

REPORT OF THE
SECRETARY OF STATE'S
PANEL ON EL SALVADOR

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I. EXECUTIVE SUMMARY

Over the past three months, the Secretary of State's Panel on El Salvador has conducted a comprehensive assessment of how the State Department and the Foreign Service handled human rights issues involving that country from 1980 to 1991. The Panel reviewed the public and State Department record, including classified documents. It interviewed over 70 individuals, inside and outside the Department, who were directly involved. It convened a public hearing and heard testimony from 25 witnesses. It paid particular attention to nine of the most egregious cases of human rights abuse reported by the United Nations Truth Commission in March 1993. Throughout, it was mindful of its mandate (1) to review human rights performance, not overall American policy toward El Salvador, and (2) to concentrate on the actions of the State Department and Foreign Service, not the U.S. Government as a whole.

The Panel's basic conclusion is that, within the parameters of overall U.S. policy, the Department and Foreign Service personnel performed creditably -- and on occasion with personal bravery -- in advancing human rights in El Salvador:

- Ambassadors consistently pushed their staffs to prepare honest, detailed human rights reports for Washington concerning specific abuses and the overall situation.
- Reporting officers pursued cases aggressively, and the Embassy put steady pressure on the Salvadoran government and military to bring perpetrators to justice.
- Enormous effort was expended, and modest progress achieved, in developing El Salvador's institutional capacity to deter and punish human rights abusers.
- Mistakes were certainly made: in dealing with specific cases, in the handling of reporting during one period of the decade, and particularly in the failure to get the truth about the December 1981 massacre at El Mozote. But breakthroughs were achieved as well: in winning the first convictions of Salvadoran security personnel for murders of American and Salvadoran citizens.

Departmental performance was sometimes flawed, particularly in handling the public dimension of human rights policy toward El Salvador:

- While much of the information provided Congress and the public was factual and straightforward, certain egregious

statements, especially early in the decade, conveyed a message of callousness that the public media magnified.

- While the Panel found no instances of officials intentionally lying to Congress about El Salvador, there were definitely occasions when policy advocacy spilled over into statements that were perceived as misleading Congress or conveying "disinformation."
- Dialogue with private human rights organizations was frequently strained and U.S. officials sometimes showed as much interest in countering the arguments of these organizations as in finding ways to work together on human rights issues.

In the course of its work the Panel was struck by how over-heated American political rhetoric concerning El Salvador remained throughout the decade. The core question was often reduced to whether improvement of the terrible human rights situation or prosecution of the war against the leftist forces should be the overriding goal of U.S. policy. The State Department and the Foreign Service worked to implement an Administration policy that sought to achieve both these goals.

Over time the situation in El Salvador clearly improved. Progress was never as fast as the officials, family members, or human rights groups wished it to be. The fundamental decision to try to force the Salvadoran judicial system to work ensured frustrations all around.

A key question before the Panel was whether the change of political rhetoric in Washington following the 1981 Presidential transition led to timidity in reporting on human rights violations from Embassy San Salvador. The Panel found this was not the case. Human rights reporting from the Embassy was good and generally voluminous during the period. The junior officers who did the bulk of the reporting impressed the Panel as intelligent, capable, and not inclined to be intimidated by their seniors. In fact, they were told by their ambassadors to be objective and to pursue cases energetically.

The annual Human Rights Reports on El Salvador were usually published essentially as written by the Embassy. Editing by the Department in the early eighties did not alter the facts as reported but did tend to limit the scope of condemnations of rightist actions and to add details on abuses by the leftists to support the basic U.S. policy framework.

Statements early in the Reagan Administration by Cabinet-level officials raised questions about its support for pressing other governments on human rights violations. The Congressionally-mandated "certification" process in 1982-83 added further doubts about Administration intentions by its requirement that every six months the Executive Branch show progress in El Salvador on human rights and other issues in

order to continue military aid. This encouraged the Department to emphasize the positive to such an extent that it undermined its credibility with the Congress.

The report flags a potential problem for career personnel which arises when officers who have worked on problems as controversial as El Salvador go before the Senate for confirmation for an ambassadorship or senior position in the Department. If the President and Secretary believe an officer is worthy of such important responsibility, they must seek to ensure that past service in controversial areas is not used against the officer.

The final section of this report details recommendations based on the Salvadoran experience for the future conduct and staffing of the Department and of an Embassy placed in such a situation as El Salvador in the 1980s. It also recommends declassification of the bulk of the record.

II. THE SETTING

Introduction: The publication of the United Nations' Truth Commission Report on El Salvador in mid-March 1993 generated considerable press, Congressional, and public interest in the United States. As that three-member international body reminded us, during the 1980s, tens of thousands of Salvadorans were murdered: by right-wing "death squads," by Salvadoran police and armed forces, and by leftist rebels seeking to overthrow the government. The murders were carried out with impunity; only a handful of individuals were brought to trial and convicted.

Throughout this period, the United States provided major aid to the Salvadoran government. The policy had generated sharp controversy, and the publication of the Truth Commission Report revived many of the issues. In particular, news stories contained charges that Administration representatives had ignored or seriously downplayed human rights considerations in carrying out U.S. policy toward El Salvador, that the U.S. Embassy in San Salvador had suppressed reporting on Salvadoran human rights abuses, and that policy officials in Washington had intentionally misled or lied to Congress and the public about conditions there in order to pursue other policy aims.

Secretary of State Christopher called for a review of the Salvadoran question during the decade beginning with the last year of the Carter Administration to assess the validity of the charges and to consider what lessons might be learned by the State Department from the Salvador experience. He established a panel to review the conduct of the Foreign Service, the Embassy, and the Department in dealing with these issues. He chose two of the Foreign Service's most senior retired ambassadors, George Vest and Richard Murphy, as members of the Panel and asked two respected foreign policy scholars, I.M. Destler of the University of Maryland and Carol Lancaster of Georgetown University, to serve as academic advisors. (Professor Lancaster later excused herself from the Panel after being chosen as Deputy Administrator of the Agency for International Development.)

Mandate: Secretary Christopher emphasized to the members of the El Salvador Panel with whom he met on March 30 that he wanted an objective review of the issues. He said that he was not asking the Panel to analyze overall U.S. policy toward El Salvador in the eighties or to investigate the actions of individuals. He directed that the Panel should focus on human rights issues where the integrity of Embassy reporting and activities and the Department's public statements on violations were again being questioned. He recognized the extraordinarily contentious political atmosphere in which the Embassy and the people in the Department had worked. How had our professionals

handled those pressures? He wanted an assessment of the performance of the Foreign Service, the Embassy, and the Department's public stance on human rights to see if suggestions could be made for future situations where our country's diplomats may again work in a similarly highly politicized environment.

The El Salvador Panel was formally established on April 28, 1993, in accordance with the Federal Advisory Committee Act. Its charter states:

"The Panel will examine the conduct of the Department of State in dealing with the issues raised by the Truth Commission. The Panel's review will include an examination of the Department's and Embassy's human rights reporting, the degree to which full and objective inquiries into abuses by both sides in the conflict in El Salvador were conducted, and the approach taken by the Department to Congressional and public inquiries on these issues. The Panel will take appropriate steps to deal with classified information and to protect personal privacy. The Panel will report to the Secretary of State and make recommendations on appropriate steps by the Department to ensure that it functions in a manner consistent with the highest professional and ethical standards and with our nation's values."

The Panel's mandate was therefore limited in three important respects:

It was to evaluate not the policy that the United States pursued during this period, but the performance on human rights issues.

It was to assess the performance of Americans, not Salvadorans.

It was to concentrate on the Department of State and the Foreign Service, not the U.S. Government as a whole.

This report therefore should not be read as a judgment on the performance of other key agencies involved, including the Department of Defense and Central Intelligence Agency. Nor did the Panel generally have access to the documents of other agencies. The Panel is pleased, however, that President Clinton has instructed other agencies, as well as the State Department, to review and declassify documents on the period to the extent feasible.

Methodology: The Panel set out to review the public and classified State Department record on U.S. actions on human rights violations in El Salvador from 1980 to 1991 and to interview individuals who had been directly involved. The 12,000 documents assembled by the State Department in 1992 to

assist the Truth Commission formed a core part of that effort. The material in these files consisted of topics specifically requested by the Truth Commission. The Panel also retrieved approximately 2,100 relevant documents from additional listings of over 20,000 items called up from the Department's record. It reviewed highly restricted as well as widely distributed cables and other materials. The Panel made an effort to assemble as much of the public record as could be reviewed in the time available, including Congressional hearings, human rights and certification documents, State Department briefings, reports of interested non-governmental organizations, books, articles, and press items.

The Panel conducted over seventy confidential interviews with people involved in the issue, including three former Secretaries of State, relevant assistant secretaries, personnel from the bureaus of Inter-American Affairs (ARA) and Human Rights and Humanitarian Affairs (HA), U.S. ambassadors to El Salvador, deputy chiefs of mission, other Embassy officers, including in particular the political officers directly charged with human rights reporting, and a sampling of people in Congress, and in human rights and other public organizations. The Panel also held a formal, open hearing at which 25 representatives of such organizations presented testimony or exchanged views.

Its approach was to look at how the Embassy and the Department dealt with human rights issues generally, and in particular at the cases discussed in the United Nations Truth Commission Report. Obviously, the Panel could not study every document or talk with every person relevant to human rights in El Salvador from 1980 to 1991. Rather, it sought to develop a sufficient base of information to respond to the Secretary's mandate.

Background: El Salvador is a small, densely-populated Central American country of just under 5 million people, traditionally dependent on coffee exports. Two percent of the population controlled sixty percent of the land before land reform was instituted in 1980. The disparity between the ostentatious wealth of the few and the grinding poverty of the majority has been evident to all. For decades the government remained firmly in the hands of the military that had brutally repressed a revolt in 1932. Although there were efforts at reform in the 1960s, the regime became increasingly repressive as the seventies progressed and a leftist guerrilla movement gained adherents. During most of this period, the United States paid little attention to El Salvador -- it seldom surfaced as an issue in the U.S. press or Congress -- and efforts to prod the Romero Government to ease repression during the Carter Administration produced few results.

The situation changed importantly with the coup d'état carried out by a group of reformist military officers on October 15, 1979, as well as the impact of such outside events

as the Sandinista takeover in Nicaragua in July 1979, and -- as they affected Washington's world view -- of the Soviet Union's December 1979 invasion of Afghanistan and growing Cuban involvement in Africa and Central America. Some 70 senior members of the Salvadoran armed forces were dismissed following the coup and the civilian-military junta initiated plans for reform. The new government soon collapsed, however, as violence worsened and dissension within the junta increased. It was replaced by a junta that included senior military figures and the Christian Democratic Party led by Jose Napoleon Duarte. This government announced significant economic reforms in March 1980 with land reform as the centerpiece.

Meanwhile, human rights abuses rose sharply. The Truth Commission described the next decade as "a war that plunged Salvadoran society into a nightmare of violence that left thousands upon thousands dead and seared it with criminal forms of terror. . . . Violence was a wildfire that blazed through the fields of El Salvador, invading its villages, cutting off roads, destroying bridges and highways. It devastated energy sources and transmission systems, attacked the cities, penetrated families, and violated holy places and schools. It struck at justice and filled government offices with victims, labeling anyone not on its list of friends as an enemy."

Violence came from both the left and the right, but human rights violations by the right were particularly blatant in the early period. Security personnel from the armed forces and police, often off-duty and working for wealthy landowners who bore the brunt of the land reform program, took part in rightist death squads. Hundreds of victims were killed each week in the early eighties.

El Salvador Becomes a U.S. Political Issue: The Carter Administration reinstated military assistance to El Salvador (which it had halted in 1977) early in 1980 -- despite the strong opposition of certain U.S. human rights and church groups -- to bolster the Duarte-led junta against the growing insurgency movement. U.S. Ambassador Robert White, who served in San Salvador in 1980-81, was vocal in denouncing the death squad violence and pressing the regime for change. But violence accelerated sharply coincident with the transition from the Carter to the Reagan Administration in the United States in late 1980 and early 1981. Some on the far right in El Salvador evidently believed the time was appropriate to settle scores. There were several particularly egregious cases. Six leaders of the opposition Revolutionary Democratic Front (FDR) were kidnapped, tortured, and murdered on November 27; four American churchwomen were brutally killed on December 2; and two American agrarian reform workers from the AFL-CIO-affiliated American Institute for Free Labor Development (AIFLD) and the head of the Salvadoran land reform

program were assassinated in the Sheraton Hotel on January 3.¹ Shortly thereafter the leftist FMLN guerrillas launched their self-styled "final offensive" to overthrow the Salvadoran government.²

Suddenly, the Salvadoran backwater became front page news in the United States with gruesome pictures of murdered Americans bringing home the level of human rights violations. At the same time, the incoming Administration elevated the importance of El Salvador as it drew a direct connection between events there and Cuban and Soviet efforts to weaken the U.S. world role. In the words of a State Department memorandum issued in the first weeks of the Administration, which sought to demonstrate the FMLN was armed through Nicaragua: "The insurgency in El Salvador has been progressively transformed into a textbook case of indirectly armed aggression by Communist powers through Cuba." The supply of arms to the FMLN by the Sandinistas became a critical rationale for our support for the contras in Nicaragua as well as for the El Salvador government. Opponents of the Reagan Administration's policy were quick to see a Vietnam analogy in U.S. support for El Salvador, expressing concern that the United States would inevitably be drawn into greater involvement.

The role of human rights in U.S. global strategy became a matter of hot debate as the new Administration took office. There were many references to then Professor Jeane Kirkpatrick's critique of the Carter Administration's foreign policy in a November 1979 Commentary article, which argued that the U.S. could work with authoritarian, as opposed to totalitarian, governments, and encourage their political evolution. The incoming Administration said it would pursue human rights issues more quietly than had the Carter Administration. Secretary Haig announced in his first press conference that while human rights would remain an essential and fundamental aspect of U.S. policy, "international terrorism will take the place of human rights in our concern because it is the ultimate abuse of human rights." The Human Rights Bureau in the State Department remained leaderless for almost a year as the first nominee for Assistant Secretary was withdrawn in the face of Congressional criticism. Finally, remarks questioning the activities and motivations of the murdered

1. Brief reviews of Embassy and Departmental performance on nine of the most prominent cases are at Appendix B.

2. The Farabundo Marti National Liberation Front (FMLN) was the umbrella organization of the armed opposition forces brought together under Cuban sponsorship in the fall of 1980. The Revolutionary Democratic Front (FDR) noted above was the political arm of the coalition of left-wing parties that worked closely with the FMLN.

American churchwomen by UN Ambassador-designate Jeane Kirkpatrick (in December 1980) and Secretary Haig (in March 1981) provided a target for the policy's opponents who treated those comments as "emblematic" of the Administration's approach to human rights in El Salvador.³

In sum, the violence in El Salvador and overheated political rhetoric in Washington, which portrayed advocacy of opposing positions in ideological and apocalyptic terms, set a pattern that framed the debate on human rights in El Salvador through the decade and continues to some degree even today. House Democrats elevated a junior but articulate critic, Michael Barnes, to the chairmanship of the Foreign Affairs Subcommittee on Western Hemisphere Affairs. Senator Christopher Dodd led the Democrats' effort in the Senate and Senator Jesse Helms challenged the Administration from the right.

Virtually a non-issue for Americans only a year before, El Salvador had become one of the principal topics in the foreign policy debate. Church groups became actively engaged, mainly in opposition to U.S. policy, driven in large part by the killings and persecutions of church workers in El Salvador. Across the political spectrum, groups were inclined to assume the worst of any statement or action by anyone with an opposing view, and many clothed their positions in the garb of moral righteousness. The "debate" was described by one participant more as "intellectual ping-pong" than a serious attempt at communication.

3. Professor Kirkpatrick, who became the Reagan Administration's Ambassador to the United Nations and an important player on Central American issues, was quoted in the Tampa Tribune of December 25, 1980, as having said on December 16: "I don't think that the government was responsible. The nuns were not just nuns; the nuns were political activists. We ought to be a little more clear-cut about this than we usually are. They were political activists on behalf of the Front, and somebody who is using violence to oppose the Front killed them." She later said this was a misquote, that she had said the nuns "were perceived by people in El Salvador as political activists." Secretary of State Haig told the House Foreign Affairs Committee in March 1981: "I would like to suggest to you that some of the investigations would lead one to believe that perhaps the vehicle that the nuns were riding in may have tried to run a roadblock or may have accidentally been perceived to have been doing so, and there may have been an exchange of fire." The assumption of several of the people interviewed was that the Secretary must have seen some speculation in raw intelligence data or a cover story by some in the Salvadoran military. They had not seen the reference themselves. The statement was a clear mistake which should have been labeled as such immediately.

Despite this charged atmosphere, the underlying U.S. policy toward El Salvador remained relatively straightforward. Its basic lines -- support for a moderate but shaky government's economic and political reform efforts, assistance to the Salvadoran military to defeat the FMLN, and efforts to improve the country's human rights and social conditions -- had been set by the Carter Administration in 1980. The Reagan Administration followed the same basic policy, but it toughened the rhetorical approach ("drawing the line against Communism"), abruptly changed the leadership of the American Embassy, and the Bureau of Inter-American Affairs (ARA), increased U.S. economic and military aid, pressed for the holding of elections, and took a skeptical approach to internal negotiations.

III. U.S. HUMAN RIGHTS POLICY IN EL SALVADOR

Role of Human Rights in U.S. El Salvador Policy: Much of the criticism of the State Department and the Embassy over the decade derived from an argument whether human rights or prosecution of the war should be the overriding goal of U.S. policy. Critics on the left contended that the Department was willing to overlook human rights abuses by the Salvadoran military in pursuit of success in the war. Critics on the right argued that policies to promote human rights and democratic institutions were weakening the forces the U.S. Government needed to support in the fight against Communism. The State Department's attempt to pursue both goals at the same time satisfied no one at either end of the spectrum. Disputes also focused on the Administration's emphasis on the election process and institution building as ways to secure long-term protection of the human rights of Salvadoran citizens.

A formal instruction from Secretary Shultz to his ambassador in El Salvador in mid-decade put the matter succinctly: In order to ensure El Salvador's security and stability in the short and long term, it was necessary to have "not only a high level of support against the current guerrilla threat, but also assistance in building and consolidating institutions which will lead to Salvadoran national reunification, more peaceful and representative political and judicial processes, and economic development." A specific goal was to "continue to strengthen El Salvador's moderate political center and to promote further development of representative democratic institutions and full respect for human rights." These goals remained constant for most of the period of the Panel's review.

Strong underlying forces ensured that the promotion of human rights would be a critical element of U.S. policy toward El Salvador despite the changes in rhetoric. First, there was an assumption in the State Department that the Salvadoran government and society had to reform and develop a friendly, stable government supported by its people or there would be no hope to avoid an FMLN takeover. Without reform, military aid would be wasted. Second, without improvements in the barbaric human rights practices in El Salvador, support in the United States for aid to that government would collapse. Pressures from Congress, the American public, and interest groups made progress on human rights issues key to continued U.S. assistance. Third, the Foreign Service reflects the nation it serves: human rights are an integral part of what we stand for as a nation and by the 1980s had become an accepted part of the American diplomatic agenda. Fourth, there were legal requirements to prepare the annual Human Rights reports, certifications of Salvadoran human rights performance, etc. As one former Assistant Secretary summed it up for the Panel:

"There was no way to sustain our policy toward El Salvador without an aggressive approach on human rights. It was essential morally and politically."

Pressuring the Salvadoran Government on Human Rights: The files contain reports of sustained efforts by U.S. ambassadors in San Salvador and other members of the Administration to pressure the Salvadoran government and military to improve their record on human rights throughout the period. There is nothing in the record to suggest official indifference on this issue. U.S. ambassadors in San Salvador pressed their message firmly throughout the period that U.S. support for El Salvador was unsustainable if the human rights violations continued. Most did so publicly, as well as in private. The techniques applied included trips to the country by Vice Presidents Bush and Quayle and visits by many senior Washington officials, statements by U.S. leaders to Salvadoran visitors, numerous general and specific démarches by U.S. ambassadors, and continuing efforts by members of the Embassy to get results on specific cases of human rights abuses. The most dramatically successful of these efforts was the trip by Vice President Bush in December 1983. His message to assembled officials and military leaders was blunt: stop the death squads or the President and I will lead the charge in stopping aid to El Salvador. His entourage provided a list of leading military figures who had to be moved out of command positions if U.S. aid were to continue.

The record was certainly not flawless. Despite its skepticism, the Embassy failed to get to the bottom of one of the major atrocities of the war, the massacre of several hundred people by the U.S.-trained Atlacatl Battalion at El Mozote in December 1981. And when Ambassador Hinton made a forthright denunciation of government abuses in an October 1982 speech, its impact was undercut when sources in the White House criticized him for going public and the State Department softened his language upon publication of the address in its

monthly Bulletin.⁴ There were other mistakes from the conclusions of a Carter Administration mission following the churchwomen's murder, to some inept public statements, to the handling of conservative political leader Roberto D'Aubuisson, to treatment of key informants in the Jesuit case.

Over the decade, however, the situation clearly improved. Some of the worst offenders were weeded out of the security services. By the mid-eighties, there was a sharp drop in the incidence of right-wing violence. At the same time, left-wing urban violence came to the fore with the killing of the Marines, the attacks on mayors, and the kidnapping of President Duarte's daughter in September 1985. Some critics of U.S. policy argue that the improvement was illusory, that the tactics of the security services merely became more sophisticated as they found ways short of murder to continue their repression. Most observers agree, however, that the trend was certainly toward improvement until the 1988 murder of ten prisoners at San Sebastian by a military unit and the killing of the six Jesuit priests in the Pastoral Center of Central American University by government forces in November 1989. The latter widely-publicized incident reminded the world in dramatic terms that the Salvadoran "culture of violence" had not ended.

Critics of Administration policy argued that the only way to end rightist abuse was to stop giving American aid to the military. Some asserted that to give such aid to authorities who abuse human rights is to be complicit in their actions. Others felt that at least a convincing threat of an aid cutoff might have helped. But the Administration was generally unwilling to halt or threaten the military assistance which was

4. Ambassador Hinton minced few words in his October 15, 1982 address on human rights to the Chamber of Commerce in San Salvador. He insisted that El Salvador clean up its "death squads" and condemned violence from the right and the left, declaring that "as many as 30,000 Salvadorans have been murdered, not killed in battle, murdered!" His conservative audience reacted with outrage that was reported in the U.S. press. "White House aides" widely believed to be the NSC Advisor William Clark expressed surprise that the Ambassador had gone public and complained that the speech had not been cleared by the White House. The State Department confirmed that it had cleared the speech, but when it published the address, it watered down the Ambassador's language: the 30,000 were no longer "murdered," but "killed illegally, that is, not in battle." Ambassador Pickering made a similar speech a year later that passed without major complaint in either San Salvador or Washington. Critical public statements by U.S. ambassadors on human rights became quite common by the end of the decade.

seen as necessary to successful conclusion of the war. Only once was it temporarily curtailed: to force progress in the Jesuit case. Administration spokesmen contended that the situation in El Salvador was more likely to improve if the United States stayed engaged than if we abandoned the military completely. Furthermore, they argued that the situation would be far worse if the FMLN took over. Congress regularly voted for military assistance, though sometimes at reduced levels.

There were also prolonged arguments over whether ranking Salvadoran military leaders were directly involved in human rights abuses. American opponents of U.S. policy tended to see the military and security forces as a tightly-knit group in which top military leaders either ordered or at least tolerated continuing abuses by their underlings and death squads. The Department and the Embassy knew this might be true in specific cases and no one disputed there had been coverups. But the U.S. Government could not accuse, and attempt to have removed, individuals unless it had facts to support their case. Some people interviewed by the Panel argued that the U.S. Government did not have the luxury of making accusations based on presumption or unconfirmed reports, particularly since it had to deal with military leaders on other matters.

Outsiders tended to see the Embassy as possessing enormous power, whereas those inside were acutely aware of the limits of that power, particularly when it came to changing long-standing patterns of violence. And Embassy personnel had no real option but to work with Salvadoran counterparts to reform the military, the police, and other organizations as well as to help fight the war.

Institution-Building: The State Department and the Embassy felt that the best approach to managing the Salvadoran problem was to build a civil society with appropriate institutions that could develop links between the government and the people and provide the basis for progress in human rights and other areas. Current and former officials whom the Panel interviewed held that Salvadoran society in the early eighties had become so polarized that the only hope for the country's future stability was to build a political center. The military had been running the country for a long time and had contempt -- sometimes justified -- for the corruption of the civilian governmental structure. The constraints on the civilian leadership's power were readily observable.

The Embassy, therefore, worked closely with Presidents Duarte, Magana, and Cristiani to devise ways to increase the power of civilian authorities in the country and encouraged military leaders to accede to this change. It strongly supported elections to pull political forces from the extremes to the center and give the winners the legitimacy necessary to govern. It sought to professionalize the army and inculcate more humane values in its ranks. The U.S. Government also worked hard to create an improved security and judicial

system. The judiciary, however, was badly intimidated and shied away from any action on controversial cases.

The U.S. made a conscious decision to work through existing organizations both to increase their experience and prestige and to ensure the reforms had a "made in El Salvador" tag so they would last. As Assistant Secretary Enders told a Senate Foreign Relations Committee in early 1982, the Department believed that, though the judicial system was "very largely inoperative," the investigation of prominent cases had to be carried out within the Salvadoran system if it were ever to begin fulfilling its proper functions. He added that, "We are asking them not only for justice, we are asking them to make the judicial system work, because it is an essential ingredient of human rights in any country."

The slow progress towards ending impunity through building the Salvadoran judiciary was frustrating for U.S. officials. It caused constant anguish to families of Americans killed in El Salvador as the cases dragged on without resolution. A handful of convictions were achieved in the courts only to have the perpetrators in many cases released soon afterward in general amnesties. Investigative help from the FBI proved useful in several of the cases, but all the ambassadors felt they could have done more with a permanent investigations advisory unit attached to the Embassy. Foreign Service Officers are trained to report on the country they are in and on developments there which are relevant to U.S. policy interests; they are not criminal investigators. The presence of an investigations advisory unit attached to the Embassy might also have avoided the mistakes made in interrogation of a witness to the Jesuit murders.

Commenting on the slow process of institution building, one officer noted that by the time of the Jesuit murders in 1989, there had been real progress, with the Salvadoran security people moving from using torture as their most common investigatory tool in 1980 to modern, American-style investigation techniques. But it was hard to publicly demonstrate any real progress when the court system always seemed to look for ways to let people off. Another officer noted that even in the sophisticated U.S. court system it takes several years for reforms to take hold. To expect overnight changes in the non-functional Salvadoran judiciary was simply to expect too much.

Some see this effort to build Salvadoran institutions through the eighties as a major success which provided the confidence and process that allowed for the possibility of reconciliation in the nineties. A succession of U.S. ambassadors and State Department officials understood this approach to be a key goal of U.S. policy in El Salvador throughout the eighties. Others remain skeptical and feel the U.S. Administration consistently portrayed the results too optimistically. The harshest critics of the Administration

still feel that almost all of these institution-building efforts were misguided. A surprising number of Americans joined in the FMLN criticism of the election process as too narrowly-based because it did not participate in the process. For its part, the Truth Commission emphasized the importance of institution-building. It said "El Salvador must establish and bolster the proper balance of power among the executive, legislative, and judicial branches and institute full and indisputable civilian control over all military, paramilitary, intelligence, and security forces."

IV. CASES REPORTED BY THE TRUTH COMMISSION

The Truth Commission Report: The United Nations' Truth Commission was established as part of the Chapultepec Peace Accord and began work in July 1992. Its members, Belisario Betancur (former President of Colombia), Reinaldo Figueredo Planchart (former Foreign Minister of Venezuela), and Thomas Buergenthal (professor at George Washington University) issued their Report on April 15, 1993. They chose to structure the Report around a series of cases that had major internal or international impact or that demonstrated a systematic pattern of violence or mistreatment that was designed to intimidate certain sectors of society. (The list is at Appendix A.)

U.S. Approach to Prominent Cases: In keeping with its mandate, the El Salvador Panel sought to review the Department's reporting and public statements from 1980 to 1991 on the cases discussed in the Truth Commission Report. Most of the cases listed had been reported by Embassy San Salvador (or sometimes from neighboring Embassy Tegucigalpa). Those of greatest interest to the Embassy and the State Department generated files of hundreds or even well over a thousand documents each. Inevitably, the Truth Commission list did not include a large number of human rights cases reported by the mission. Many of the cases had been pursued by the Embassy on its own initiative; hundreds of other instances were referred to it by Congressional staffs and human rights organizations in the United States.

This report includes as Appendix B a review of nine cases which highlights the Embassy's and Department's approach to them. The Truth Commission Report discusses several cases involving American citizens which were of direct concern to the American government: the murder of the American churchwomen in December 1980, the murder of the AIFLD advisors in January 1981, the murder of four U.S. Marine Guards in June 1985, and the killing of two downed American military men in January 1991. It does not include other American-interest cases such as the killings of the head of the Embassy MILGROUP Col. Schlaufelberger in May 1983, the journalist John Sullivan in December 1980, or the student Michael Kline in October 1982. Appendix B includes discussions of the churchwomen, AIFLD advisors, and Marine Guard cases noted above as well as the assassination of Archbishop Romero in March 1980, the murder of the six opposition leaders in November 1980, the massacres at Rio Sumpul (May 1980) and El Mozote (December 1981), the killings at San Sebastian in 1988, and the murder of the Jesuit priests in November 1989.

The assassination of Archbishop Romero in March 1980 was a brutal beginning to a terrible year in El Salvador. The Embassy, the Department, and White House quickly condemned the

murder, and the Embassy concluded early that it had been carried out by the extreme right. Information obtained by the Embassy later that year and in 1981 blamed the murder on the right-wing leader Roberto D'Aubuisson. Salvadoran investigations tended to fall apart quickly. A major complication developed when D'Aubuisson and his ARENA party became a strong political force as the electoral process moved forward. U.S. pressure helped keep D'Aubuisson out of the Salvadoran presidency, but the Embassy dealt intermittently with him in the effort to move El Salvador's political extremes toward the center.

President Duarte used the widespread suspicions of D'Aubuisson's involvement in the Archbishop's assassination as a political weapon against him, and after winning the 1984 presidential election put the newly-formed Special Investigations Unit (SIU), financed by the U.S. Government, on the case to develop new leads. The U.S. Government strongly supported this effort and worked to extradite a key figure from the United States in 1987-88, but the effort was blocked by D'Aubuisson's supporters in the judiciary. Ironically, in the period before he died of cancer in 1992, D'Aubuisson strongly supported the reconciliation process. His political rival President Duarte summed up the D'Aubuisson problem for Ambassador Corr by listing three levels of proof: moral -- he was morally sure D'Aubuisson had ordered the Archbishop's assassination; police -- he did not have enough evidence to arrest him; and judicial -- even if he could get D'Aubuisson arrested, there was no basis to prove his guilt in a court. The Embassy and the U.S. Government walked a difficult line on this case. It worked hard to help Duarte and the judicial authorities to build a case against D'Aubuisson and at various periods refused to have anything to do with him or give him a visa to the U.S. It also sought, successfully as it turned out, to channel his popularity to the service of building a strong civil culture in El Salvador. Despite a decade of trying, however, neither the Salvadoran nor U.S. authorities was able to bring anyone to justice for Archbishop Romero's murder.

Eight months later, on November 27, 1980, six leaders of the Revolutionary Democratic Front (FDR), the political alliance of the leftist opposition, were kidnapped and killed in San Salvador. Upon learning of the kidnapping, the Ambassador sought to intercede on their behalf with the acting Foreign Minister. The effort was not successful. The Embassy's immediate view of the killings was the same as that of the Truth Commission thirteen years later: Salvadoran security forces were the culprits. The killers presumably calculated -- correctly as it turned out -- that with the U.S. Presidential transition well under way, there was little the Carter Administration could do to respond. The Department condemned the killings, but there was no time to act on a recommendation by the Ambassador to suspend aid before four American churchwomen were killed on December 2. That incident

then became the focus of U.S. attention. No progress was ever made in investigating the murders of the FDR leaders.

It is useful to see how far in some ways the Salvadoran system had come from the time of these 1980 killings to the murder of University of Central America Rector Ignacio Ellacuria and his Jesuit brethren on November 16, 1989, but the similarities are also painfully obvious. Archbishop Romero was apparently killed by a death squad reporting to a civilian leader of the extreme right. The murderers of the FDR leaders were assumed to be security forces. And the line in the Jesuits' case went directly to the Salvadoran military. In the latter case, the police investigation was far more professional, but the delays and evasion of responsibility were similar. Unlike in the earlier cases, some but not all of those responsible for the Jesuit killings were actually tried and convicted of the crime.

The U.S. Embassy was also more intimately involved in the investigation of the Jesuit case than most of the earlier ones mentioned above. It worked closely with the SIU, providing encouragement and technical assistance to the investigation. It applied strong and sustained pressure to move the process forward, and allowed its people to appear as witnesses. The adept and complementary investigation and pressure by Congressman Joe Moakley and his staff also played a key role in forcing the system to act.

Despite the intense effort, there were enough glitches along the way that the Embassy came under considerable criticism for its handling of the case. Its reluctance to point a finger at the military early in the investigation appeared to critics to go beyond a desire to be fair and objective. The interrogation of an early witness in Miami became an embarrassment as she changed her story under intense FBI questioning. A U.S. MILGROUP major waited two weeks before relating key evidence to his superiors that the Salvadoran military had carried out the murders, the head of the MILGROUP then exposed the source without checking with the Ambassador, and the major changed his own story about whether he had prior knowledge of the plan to kill the Jesuits.

The murders were carried out five days after the FMLN launched its largest urban offensive of the war. The initial technical work of the SIU was considered quite good, but it was slow to get basic information from the Salvadoran military. On January 2, the MILGROUP commander confronted Chief of Staff Ponce with the major's story that personnel from the Atlacatl Battalion had killed the Jesuits on the orders of Col. Benevides. Five days later, President Cristiani announced that certain military elements were implicated in the Jesuit killings, and a week after that, that nine soldiers had been charged.

The investigation moved slowly despite sustained pressure from the Embassy and Congressman Moakley's Task Force. The Embassy made a tough démarche in July in an attempt to speed up the case and Congressman Moakley publicly accused the military high command of dragging feet a month later. After a series of fits and starts, which the Embassy reported in detail, and continued urging by the United States that the process be accelerated, the trial was finally held in September 1991. Benevides and Lt. Mendoza who led the soldiers were sentenced to thirty years in prison, others involved received lighter sentences or were found not guilty. Both Congressman Moakley and the Truth Commission accused Col. Ponce and his associates of ordering the assassinations. (Ponce and others named as involved in this or other major human rights violations were retired on June 30, 1993.)

Another category of continuing brutality in El Salvador involved the massacre of civilians or prisoners as part of the civil war. This report discusses three of these cases in some detail since they generated some controversy. There were many more on both sides, including a particularly nasty FMLN assassination campaign against mayors and other Salvadoran political figures across the country. On May 14, 1980, some 300 civilians (the number is from the Truth Commission) were killed by Salvadoran military personnel as they attempted to flee the advancing army by crossing the Sumpul River into Honduras. Priests in Honduras broke the news of the massacre over a month later and Embassy Tegucigalpa did the primary work in following up on the story. Although the Department and Embassy San Salvador were inclined to believe that the report was FMLN disinformation, Embassy Tegucigalpa did an excellent job following up. It treated with a grain of salt disclaimers from the Honduran army that it had not helped block the civilian exodus, discouraged the Honduran government from expelling the priests (most of whom were foreign), and interviewed people who might have information on the case including the priests who made the original report. In the end the Embassy concluded that civilians had indeed been killed although it did not hazard a estimate on the number.

While the Rio Sumpul incident received very little international press coverage, a sweep by the Atlacatl Battalion through the town of El Mozote and the surrounding area in December 1981 became a cause célèbre when a massacre of civilians there was reported in late January in the New York Times and the Washington Post. The Truth Commission concluded that over 500 men, women, and children were killed over the space of three days. Embassy San Salvador was skeptical of the report (it was publicized the day before President Reagan issued a required certification that the human rights situation in El Salvador was improving), but it sent two officers to the area to investigate the story. They did not make it to El Mozote itself which had been retaken by the FMLN, but their report was ambivalent about what had occurred. It said that "no evidence could be found to confirm" a massacre in El Mozote

and discounted that anything of the size reported had likely occurred.

The use of this and other Embassy reporting on the massacre became highly controversial in the charged political atmosphere on Central America in Washington, as Administration spokesmen drew selectively on the Embassy report to counter critics' concerns. This left the Department vulnerable when it did not have all the facts. The Embassy had suspicions that something untoward had indeed occurred, but busy with the elections and other pressing cases (and unable to get to the site without Salvadoran military help), it did not follow up. Exhumations in 1992 showed the Department had been wrong on El Mozote: a massacre had indeed occurred, along the lines reported originally in the international press.

The difficulty in reaching the site of reported massacres was a continuing problem for the Embassy. Since the sweeps were mostly in FMLN-controlled areas where Embassy personnel could not go without a military escort, the dangers and pitfalls of reporting on such incidents was obvious. Indeed, an Embassy officer did not go to El Mozote before the story broke in the press precisely because as avowed targets of the FMLN, it would have been foolhardy to allow an officer to go to a remote area alone under FMLN escort. One human rights officer told the Panel of flying to a remote site to investigate a reported massacre, only to be left in hostile territory when the helicopter failed to return in a timely fashion for the pick-up. The Embassy could do far more on cases in or near San Salvador such as the San Antonio Abad massacre in early 1982 and the San Sebastian killings in 1988.

A true success story in El Salvador was the work of the International Committee of the Red Cross in improving the conditions of prisoners and keeping them from being killed as soon as they were captured. So when Salvadoran soldiers arrested and murdered ten people in San Sebastian on September 21, 1988, they knew they could be in trouble and put out a cover story that the prisoners had been killed in an ambush. The Embassy was skeptical of the military's story and pressed for a prompt, impartial investigation of the case. An Embassy officer stayed in close contact with the investigation, which soon had to be turned over to the SIU. The military continued to stonewall President Duarte as well as efforts by the Embassy until the case was made a critical element in Vice President Quayle's visit in early February 1989. The military then agreed to carry out a genuine investigation and asked for FBI help. Having completed its investigation, the Salvadoran High Command announced on March 11th, that it believed that nine active duty personnel were responsible for the killings and turned them over to the civilian courts for prosecution. The next year, all but the major in charge of the operation were released for lack of evidence. Three years later, the major's case had still not gone to trial.

The Embassy paid particular interest to cases involving U.S. citizens, as is expected of all American embassies abroad. The murder of the four American churchwomen on December 2, 1980, engaged U.S. public attention and galvanized opposition to U.S. aid to the Salvadoran military more than any other event. From the first word of the murders, the Embassy was deeply involved. Ambassador White went to the site for the exhumation of the bodies, the Department dispatched a special mission to review the incident soon after it occurred, and the Embassy pressed hard for a full and honest investigation. After some months of Salvadoran foot-dragging and coverup, the Embassy human rights officer broke the case after eliciting information from a sensitive source.

The case had by then become part of the intense controversy of the time. The statements by Ambassador-designate Kirkpatrick and Secretary Haig were cited as a rallying cry by the opposition to the Reagan Administration's policy; the former ambassador criticized the U.S. and Salvadoran governments for inaction; and the families demanded justice. In a particularly strong made-for-television movie on one of the slain women, a family member is shown months after the case was broken saying: "We are supporting a government, that government killed my sister, and my government didn't care." The facts are that the Embassy and Washington consistently pressed the case hard for over three years, including an independent study by Judge Harold Tyler and strong threats by Congress to cut U.S. military aid. On May 26, 1984, the perpetrators of the crime were convicted and given thirty-year sentences. Family members and the Truth Commission believed there was higher-level complicity in the commission of the crime as well as in the coverup. Judge Tyler and former Embassy officials agree on the coverup, but they considered it more likely that the chaotic and permissive atmosphere at the time, not high-level military involvement, was behind the crime.

The murder of the two American AIFLD workers at the Sheraton Hotel a month after the churchwomen were killed paired the cases in American eyes as damning marks against El Salvador and tests of U.S. influence in El Salvador. Embassy personnel were on the scene immediately after the men were gunned down, pressed hard on the case, and received strong support from the FBI. After extensive U.S. pressure, the Salvadoran court finally convicted the two National Guard triggermen five years after the murders. Again, the files reflect the large amount of time expended on the case. Despite these efforts, however, the Embassy could not get any of the people believed responsible for giving the orders brought to trial and even the two triggermen were freed in the 1987 amnesty.

A third major American-interest case discussed in the Truth Commission Report involved the killing of four of the Embassy's own Marine Guards on June 19, 1985, at a restaurant in the Zona Rosa district of the capital. The Embassy and FBI worked closely with the U.S.-supported Special Investigations Unit to

run down and jail several participants in this avowed FMLN action. An INS interview of an intended illegal alien was instrumental in breaking the case. When the courts decided to release the men after the 1987 amnesty, the Embassy claimed "internationally protected persons" status for the Marines who had been killed. This, in turn, provided the basis on which President Duarte overturned the court's verdict. The defendants were convicted and sentenced in 1991.

Other American-interest cases included the killing of the downed American servicemen Colonel Pickett and Sergeant Dawson in January 1991. The Panel felt the Embassy and the Department had taken prompt and appropriate action in all American-interest cases. They did not do equally well in dealing with the public on these cases, and the families of the churchwomen, in particular, felt their cause received low priority in the Department. Otherwise, the Panel believes that the Embassy and Department pursued these U.S. cases with vigor, and occasionally with personal bravery.

V. HUMAN RIGHTS REPORTING FROM EMBASSY SAN SALVADOR

Quality of Human Rights Reporting: One of the key questions the Panel asked everyone from Secretaries of State to the most junior officers in the field concerned the quality, quantity, and integrity of human rights reporting from Embassy San Salvador. It also looked closely at the record to see what bias, if any, might be evident in Embassy cables. The Panel concluded there was no truth to the view, voiced widely in the eighties, that the Reagan Administration's perceived downgrading of the importance of human rights issues sent ambassadors and reporting officers scurrying to trim their sails. In fact, the human rights reporting from Embassy San Salvador was found to be good, carefully written, and generally voluminous. It was not always perfect. And it varied somewhat depending on reporting officers and Embassy management. There was always an extra effort to report left-wing violence because this unambiguously served then current policy. The human rights organizations and international press, for their part, emphasized violence by the right, but the Panel found no indication that Embassy reporting downplayed the actions of the right. In hindsight and with more recently available information including that in the Truth Commission's Report, Embassy El Salvador human rights reporting for the period stands up well.

The primary burden for reporting on human rights issues, as well as prodding the desperately weak Salvadoran judiciary system to take action against the perpetrators, fell on the Embassy leadership and its political and legal sections in San Salvador. They devoted an extraordinary amount of attention to human rights cases, all of which were important in humanitarian terms. Action against the perpetrators was also essential if the level of wanton violence in the country were to be reduced and a lasting civil society constructed. According to people interviewed by the Panel, other sections of the Embassy, particularly the Defense Attaché Office, the Military Training Group, and intelligence personnel made important contributions to available information and occasionally pressed for specific improvements. (There was a specific human rights element in the U.S. military training program.) The Panel did not review separate reporting by these units. From its interviews with Department and Foreign Service personnel, however, it was apparent that these other agencies had prosecution of the war (i.e. not human rights issues) as their primary mission.

The ambassador, deputy chief of mission (DCM), political section, and legal officer (when the position was filled) handled the bulk of the human rights work, including contacts with interested Salvadoran groups and the steady stream of visitors from the United States. At least one junior officer in the Political Section was assigned full-time responsibility

for human rights issues. In addition to reporting requirements, a large amount of time was devoted to visitors from the U.S. For significant periods of time, virtually every weekend featured briefings and support for visiting Congressional delegations. There were also hundreds of visits to El Salvador arranged by human rights and church groups in the United States and many received Embassy briefings.

The human rights reporting in 1980 under Chargé James Cheek and Ambassador Robert White was extensive, usually on target, but inevitably somewhat incomplete: the pace was hectic, and the environment dangerous as the country lurched from crisis to crisis. The work was engrossing and the implications so important that reporting officers considered service in the Embassy an extraordinary opportunity. It was widely expected that the Embassy would pull in its horns the day Ambassador White was recalled, but this turned out not to be the case.⁵ When Ambassador Frederick Chapin arrived to take temporary charge of the Embassy for several months pending the selection and confirmation of a permanent ambassador, he made it clear to a somewhat worried staff that he expected the Embassy to continue its aggressive human rights reporting. One junior officer recalled feeling that the total impression created during the Carter-Reagan transition might have encouraged right-wing forces to do their worst. Another remembered a concern that reports be carefully documented, given the possibility (in early 1981) of an unwelcome Washington reception. And Chapin did stipulate that the reporting should be factual and objective, not speculative. The bottom line was that the quality of human rights reporting remained the same, despite the changeover of Administrations.

Deane Hinton arrived as ambassador in June 1981, bringing his blunt, no-nonsense approach to the job. He was tough on his staff, demanding the highest professional work and complete objectivity. He expected his Embassy to report all the facts available. He too was insistent that officers keep speculation and commentary out of the body of the cables and label it plainly as "comment." The Panel detected no restraint on reporting. As one officer put it, no one likes senior officers to rewrite his prized prose, but he and every other reporting officer the Panel interviewed from this period felt the editing was fair, objective, and improved the credibility of the cables. One officer commented that caution in "rushing to judgment" was particularly appropriate in El Salvador in the early eighties given the anarchy in the country and the purely nominal existence of many institutions.

5. This was fueled in part by the Ambassador's severe public criticism of the Reagan policy after he left the Foreign Service.

Ambassador Thomas Pickering insisted on and got the same objectivity in reporting. Again, the Panel could find no one responsible for human rights issues at the Embassy or the Department who did not believe the subject was given great importance or who felt the Ambassador limited the reporting. Ambassador Pickering also developed a reputation for being in command of the facts -- unpleasant ones included -- and open to communication with policy critics as well as supporters. He commented to the Panel that it was "self-evident" that the political section had to spend a great deal of its time on human rights. The human rights situation in El Salvador had to improve if the U.S. Government was to sustain its economic and military assistance and the Salvadoran government was to have a chance to survive.

Ambassador Edwin Corr took a somewhat more restrictive approach to reporting in general. It was a time of relatively few dramatic incidents of right-wing violence, and the big story, FMLN efforts to assassinate mayors, was reported in detail. The Ambassador emphasized building the political center through a close working relationship with President Duarte. The Department's Inspector General criticized the Embassy's penchant for excluding bad news (particularly on corruption in the government) from the cable traffic -- reporting it by telephone or on Corr's frequent visits to Washington. Thereafter the Embassy increased reporting on questionable activities that were allowed by the government. The only instance the Panel found of a junior officer who felt he was restrained in reporting human rights issues had its origin in this period. The problem appeared to the Panel to have stemmed from a combination of personality clash, debate over the proper function of a reporting officer, an argument over facts in one particular case, and an overall tendency of the Embassy to lower the volume of reporting.

Ambassador William Walker arrived determined to increase the amount and credibility of the Embassy's reporting and did so. With the San Sebastian murders, the killing of the Jesuits, the 1989 election, that year's guerrilla offensive, and the advent of the peace process, he and his staff had much to write about. They did so ably and in detail.

The Department's leaders from that period told the Panel that they felt they were getting objective and timely information from the Embassy, which was responsive to their needs. They relied on their ambassadors in San Salvador to ensure this was the case. As Secretary Shultz commented, he chose the best ambassador he could find in Tom Pickering and then told him to go down and "raise hell" on human rights. Pickering's version was similar: he was told the insurgency and the human rights situation in El Salvador were a mess, and he was to deal with the problems, run his Embassy, and keep Washington informed. This very general instruction from Washington was typical.

The only effort the Panel found to limit Embassy activities on human rights issues was the criticism (on background) by a White House official of Ambassador Hinton's public remarks to the San Salvador Chamber of Commerce in October 1982 noted earlier. It is worth noting that even that complaint was about the Ambassador "going public," not about his Embassy's reporting on human rights. The Panel found no evidence that any of the ambassadors was ever told they should limit human rights reporting. One desk officer, in dismissing the idea the Embassy was tailoring its information, commented that the Department was inundated with bad news on the human rights front from Embassy San Salvador.

The Reporting Officers: San Salvador was a difficult post to staff throughout the eighties. It was a dangerous place for U.S. diplomats for much of the period, so much so that from 1980 to 1983 families were not allowed to accompany employees assigned to the Embassy. Recruitment of mid-level personnel was a particular problem. To accomplish the rapid buildup of the post in the early eighties, the Department turned to junior officers to fill out the political section reporting slots. This allowed bright, ambitious younger officers the opportunity to make their mark early in the service. The Panel was impressed throughout the interview process and its study of the record with the remarkably high quality of the junior officers sent to San Salvador to do the human rights reporting.

Restraints on reporting tended to come mostly from the limitations imposed by security concerns. Officers often used armored cars and security details to move around the city and countryside, and they frequently carried guns. For several years Embassy officials were avowed FMLN targets. Two-thirds of the country was off limits unless the officers were accompanied by Salvadoran military forces. Many officers pursued human rights issues at considerable personal risk, and ambassadors and their deputies constantly had to make judgments on the right balance between the value of reporting and the dangers to their staff. Foreign journalists, religious workers, and private human rights personnel also took risks in El Salvador, many were heroic and some had numerous enemies on the right. But most were usually not targets of the guerrillas and could travel in FMLN-dominated territory in a way the Foreign Service Officers could not.

Some officers complained to the Panel that Embassy security restraints became excessive after the killing of the Marines in 1985, even putting parts of the capital itself off limits. This greatly increased the difficulty of developing the contacts necessary to do an effective job of reporting. There was a time when State personnel were under tighter restrictions than other members of the Embassy. These strictures were eased toward the end of the eighties.

The reporting officers were given wide latitude to report, but as first or second tour officers, they were expected to undergo the usual on-the-spot training, learning how and what

belonged in official Embassy cables. This approach reflects a long-time assumption of the Foreign Service that learning on the job is the best approach. There was no specific human rights training available at the Foreign Service Institute early in the decade, although a program was developed later by the Human Rights Bureau that provided better background for human rights officers. Given the ambassadors' emphasis on a high standard of proof, most officers had experience with having some of their speculative comments cut. Many of them probably grumbled at times about this process, but of the officers responsible for human rights reporting, all but one told the Panel he or she felt the changes to their cable drafts had been right and improved the final product.

The Panel concluded that this was not a group of people who felt they were being censored or intimidated, nor did the officers consider it necessary to shade their reports to accommodate policy pronouncements in Washington. The Washington battles apparently seemed far away to these overworked officers who were being pushed, and pushed themselves, to their limits. During the entire period, the Department's protected "dissent channel" was used only three times by Embassy officers, twice in 1980 and once in early 1981. One of the cables concerned the evacuation of dependents and two were reasoned discussions of policy alternatives. It was not used again in the time covered, although the officer mentioned above who felt his reporting was being bottled up apparently threatened to use it as a lever to get some of his cables sent. The Panel found people who were generally not naive about the country they were dealing with. One said they knew they had "been through hell" when they finished their tours. Their reports form a record that attest to the brutality and problems of Salvadoran society.

The Annual Human Rights Reports: The Department's Annual Country Report on Human Rights Practices for El Salvador received a great deal of attention and often criticism. In general the criticism was less than that directed at the certifications (discussed in Section VI), though organizations such as Americas Watch and the Lawyers Committee on Human Rights issued annual counter-reports critiquing the Department's findings. The Panel sought to examine both the process and end result, reviewing the reports for accuracy and completeness and to see how the Embassy's drafts were altered in Washington. It reviewed the annual reports, their first drafts, the final versions, and the critiques (noted above) by human rights organizations.

Officers involved in their preparation emphasized the efforts made to ensure the reports were thorough and accurate. None felt he or she had been pressured to skew the drafts for political purposes or to write what they thought Washington wanted to hear. As with the rest of the human rights reporting, drafting officers were urged to base the annual report on available evidence and not speculation. It is only

necessary to read the outside critiques, however, to be reminded that throughout this period ambiguity and complexity were hallmarks of the human rights situation in El Salvador, and some events could be plausibly interpreted in more than one way.

The Panel found one Embassy complaint in the files that the Department had made changes in the introductory section of the 1982 Report that "substantially debilitate the original draft [and] . . . do not accurately reflect the El Salvador that we here on the ground know." It complained about the lack of time to rewrite the Department's version and argued (unsuccessfully) that the Embassy's original should be used. It did acknowledge that the body of the report was substantially the same as the Embassy's version.

The Department did not attempt to alter any of the facts in the reports as far as the Panel could determine, but it did make changes in tone in the early years of the decade which put a more positive gloss on the human rights situation in El Salvador in the final versions. The Department also tended to limit the scope of condemnations of rightist actions and to add details about abuses committed by the FMLN. While Washington occasionally toughened up on the government in the final versions, most of them, especially in the early years, ended in a more positive final report on government actions. In general, during the early eighties, human rights reports shied away from assigning responsibility for human rights abuses to the military as an institution. The reports cited the facts of abuses perpetrated by members of the military, but its reserved language often softened the effect. Annual reports at the end of the period stated more directly that the military committed human rights abuses. Such directness should have been employed in the earlier reports as well, when such abuses were more frequent.

In part this appears to have been a pulling of punches to support the policy, but it was also due in part to an evolution in the Department's approach to producing the annual reports for all countries. People within and outside the government commented that the quality of the human rights reports for all countries improved greatly through the decade. In the early years of the reports, which were an innovation of the Carter Administration, the human rights officers lacked experience, the information base was weaker, guidelines for drafting officers were looser, and bureaucratic frictions in Washington affected the final reports. As the process became more institutionalized and the Foreign Service gained more experience in producing the draft reports, the overall product improved. This process is clearly evident in the El Salvador reports.

The "Grim Grams" and the Decline in Violence: A much-debated example of the reporting from Embassy San Salvador was the weekly Embassy "grim gram." This was a compilation

initiated in September 1980 of information on violence in El Salvador based on reporting in the Salvadoran press. The reports were unclassified and Embassy cables on methodology and comparisons were provided to the Congress and published in the Congressional Record. In testimony during the certification hearings, Administration officials regularly pointed to the decline in the death totals to justify their argument that the human rights situation in El Salvador was improving. Human rights organizations and Congressional critics protested with equal frequency that the reports were based on flawed methodology and, therefore, biased and inaccurate. Through it all, the reporting officers in the field worked hard to prepare the reports with care and objectivity. They were willing to discuss the shortcomings of the methodology openly.

An Embassy airgram of January 15, 1982, analyzing a year of the "grim gram" statistics stated at the outset that it understood the "inadequacy of a method which submits data to the vagaries of the Salvadoran press." (The airgram was subsequently declassified and published in the Congressional Record.) It noted there was certainly under-reporting in the statistics because the journalists working for the newspapers could not report on areas where they could not reach, but estimated the totals were within 30% of the actual total. The analysis discussed other statistical reporting by the Central American University (UCA) and the Legal Aid Office (Socorro Juridico), and concluded that their bases were "at least as distorting as those built into the Embassy tabulations and also reflects the motivations of and the pressure within those organizations" (i.e. they were sympathetic to the guerrillas). It also included numbers and charts from all three sets of statistics so readers could compare the trends.

The dispute over statistics grew with the certification debates, but an Embassy cable in July 1982 stated emphatically that "the arguments over methodology are bogus. All organizations following human rights developments in El Salvador have to rely on data and collection methods which leave much to be desired. Nobody denies the existence of political violence. We do say that the data from all sources show trends, not accurate body counts."

Another persistent question was how to categorize deaths, meaning whom to blame. Embassy officials were typically cautious, attributing large numbers to "unknown assailants" because they lacked clear evidence. Private human rights groups saw this as indicative of Embassy bias or the bias of its press sources. Embassy officials were equally critical of the sources and methods employed by the Archbishop's human rights organization, Tutela Legal, and other private reporting groups. There is no question the Embassy understood the problems of using conservative newspapers with a strong pro-government bias as their basic source for the weekly report, but they were convinced a consistent approach was

useful in showing trends. Embassy methodology remained consistent throughout the period.

The real issue with the statistics, therefore, was not their source or method of compilation, but their political implications. The January 1982 airgram noted that an "unexpected result of the statistical depiction of political murders month by month is the conclusion that violence in El Salvador has diminished during the period under study, or that at least it is in a state of remission." The Embassy's July cable also noted that there had been a "distinct downward trend" in all of the statistics for the first six months of 1982. This result, of course, allowed Administration officials to use the statistics to bolster their case for certification that the human rights situation in El Salvador was improving.

The "grim grams" were imperfect. They were the subject of fierce political disputes in Washington, and probably given too much weight by the Administration in testimony to support its policy.

Department representatives testifying before Congress and Embassy officials in San Salvador sought recurrently to discredit the reporting of the private human rights organizations since their numbers consistently showed higher numbers of human rights abuses than the newspaper statistics and attributed a larger share of the violence to government forces. The Administration was more effective when it omitted invidious comparisons and merely listed the reports of other organizations alongside the Embassy press data, because the downward trend was evident in all the reports.

VI. PRESENTATION TO THE CONGRESS AND PUBLIC

Throughout the decade, State Department officials in Washington were regularly explaining and defending policy: in public statements and in testimony to Congress. Given the highly contentious atmosphere -- especially early in the decade -- they faced a dilemma. They were squeezed between their obligation to state the truth and their need to present the situation in ways that would increase public and Congressional support. The situation was perhaps worst in early 1981, at the time of the Haig statement suggesting the churchwomen may have run a roadblock and when releases of the Department emphasized the Cuba-Nicaragua-Communist threat and said little about right-wing violence then at its peak. Later that year, these statements became more balanced, and tended to remain so thereafter. But the advocacy remained sharp enough, and opposition strong enough, that critics repeatedly complained they were being fed "disinformation." Several Americans who opposed the Administration's policy told the Panel they found the Reagan Administration statements on Central America far less credible and believable than those about other parts of the world.

The Certification Process: The Executive-Legislative battle over policy toward El Salvador in 1981 led to a statutory requirement that the President had to certify Salvadoran human rights performance in order to continue the provision of military aid. The Administration had to certify that the Government of El Salvador was: making a "concerted and significant effort to comply with international recognized human rights," "achieving substantial control" over its armed forces to this end, "making continued progress" in implementing essential economic and political reforms including land reform, committed to holding free elections, and making good faith efforts to investigate the murders of the American churchwomen and AIFLD workers. This requirement continued in effect through 1983.

Certification was a classic political compromise with the swing vote in Congress arguing that the aid for El Salvador should be used for leverage on human rights. One seasoned congressman who opposed Administration policy told the Panel that there was a feeling in Congress that the Administration's concerns (over the Soviet and Cuban threat in Central America) were exaggerated and that the Congress was being asked to support bad people doing some pretty awful things. Since Congressional opponents knew they could not beat the Administration outright, they "devised this God-awful certification requirement, and knew that the Administration would certify, no matter what." He said he recognized that this procedure put the ambassadors and the assistant secretaries in an impossible situation. A more cynical view of

the certification process, noted several times to the Panel, was that the process was "an exercise in Congressional blame shifting." Inherent in the process was the assumption that some would argue certification requirements were not met and others would argue they were with whatever support they could muster.

President Reagan signed the first bare-bones certification on January 28, 1982, and Assistant Secretary Enders defended the decision on the Hill. Secretary of State Shultz signed subsequent certifications later that year and in 1983. Several participants in discussions at that time noted the discomfort caused by the process, citing in particular extended discussion with Secretary Shultz before he would sign. The formal certification process ended with President Reagan's pocket veto in late 1983 of the aid bill, but a variety of certification requirements were continued in other aid legislation.

Despite initial Administration opposition to the certification process, Enders endorsed it in his February 1982 testimony as useful for pressing the Salvadorans. As the Administration interpreted the legislation, Congress had determined that military and economic assistance for El Salvador were required because there was a "challenge to our national security," but that we must also "use our assistance to help El Salvador control violence in that country, make land reform work, develop a democratic process, and bring the murderers of our countrymen and countrywomen to justice." He defined the human rights requirement not as saying "that human rights problems must be eliminated" but that the situation "demands progress."

These House and Senate hearings held at six-month intervals set the tone for much of the early El Salvador debate. Administration witnesses argued the importance of aid to El Salvador, emphasizing perceived improvements in human rights, the successes in holding elections, and other programs designed to build institutions. They portrayed the problems as serious but maintained that U.S. policy was having overall success -- i.e., they saw the glass as half-full. Opponents argued that high levels of abuses continued with the approval of the top ranks of the military leadership, and that certification should therefore be denied. They insisted that the Administration was painting a rosy picture of the situation that misled the American public and encouraged Salvadoran foot-dragging. The majority in Congress continued to support a policy of pressing the Salvadorans for progress on human rights, supporting elections and building institutions, and prosecuting the war.

The certification process may initially have provided some useful leverage against the Salvadoran authorities. But it soon became mechanical and undermined the Department's credibility on the Hill and with the public at large. Every six months the process compelled Administration witnesses to demonstrate "improvement" and provided opponents a ready basis

for arguing that the Department was "lying," covering up, or, at least, ignoring the continuing human rights situation in El Salvador which was "obviously" not improving in any fundamental sense. Assistant Secretaries Enders, Abrams, and Motley had to demonstrate that what everyone in the hearing room knew was a bad situation was indeed getting better. The requirement had little effect on the situation on the ground since it quickly became obvious that the Administration was not about to yield to critics by cutting off the aid.

Credibility: Credibility is fundamental to democratic government. The Department's relationship with Capitol Hill and the American public was an issue the Panel wrestled with throughout its deliberations. A decade after the certification hearings, testimony made then is still scrutinized by a wide range of critics of the Reagan Administration's policy. The Panel compared some of these statements against the facts as known to the Department at the time and sought the impressions of people involved. The Panel concluded that a great deal of the information presented was straightforward and fairly balanced, and did not find overall that critical information had been withheld from Congress. It found no evidence that any of those who testified intentionally lied to Congress.

The real question is whether the Administration's effort to put the best face on the evidence shaded over into misleading Congress or the public. As noted above, disputes over testimony resulted from the very different goals of the Administration and its critics. The Panel, however, did find some instances which raise questions about the handling of Embassy reporting. For example, Assistant Secretary Enders' selective quoting of the reporting cable on El Mozote in the public Congressional hearings in February 1982 (noted above) left him open to charges of manipulating the evidence, despite the fact he handed over the entire telegram to the Senate Foreign Relations Committee on a classified basis. It would have been better had he emphasized our lack of conclusive information rather than made a selective reading of the cable text. In the weeks that followed, the Administration's public statements became less careful and more one-sided. By the time of the summer 1982 certification statement, Enders' phrase that the Administration had "no evidence to confirm" the allegations of a massacre at El Mozote became the clearly incorrect "no evidence to support" these allegations.

The circumstances of this lapse on El Mozote were not typical, they were the exception. As noted above, the Department and the Embassy were genuinely skeptical that a massacre had occurred at El Mozote. They viewed the timing of the published stories on the eve of certification as a propaganda ploy instigated by the FMLN. They put it in the same category as earlier disinformation about an alleged massacre in a cave and the presence of U.S. military advisers at Salvadoran torture sessions which had already been proved to be false. Clearly, the Administration wanted to believe El

Mozote was a similar instance and was accordingly eager to discredit the source. Exhumations ten years later, in 1992, show they were wrong.⁶ The Panel believes the handling of El Mozote damaged the Department's credibility and that of the Administration as a whole on an issue where the facts were murky at best. The reported atrocity should have been pursued more vigorously and, if possible, those responsible punished.

Other developments directly related to these hearings further hurt the Department's credibility. The relatives of the churchwomen killed in 1980 felt that progress (if any) was too painfully slow to justify certification. Assistant Secretary Abrams' unwillingness to label opposition leader D'Aubuisson an extremist at a time when the U.S. Government was encouraging him to promote the democratic process drew protests that it had ample evidence D'Aubuisson was a murderer.

The Panel concluded that Embassy and Departmental officials worked long and hard to improve the human rights situation in El Salvador and to build the institutional base for a sounder society. The fundamental success of the policy is illustrated by the -- still fragile -- healing process now under way in El Salvador. However, their impressive effort was undermined in the public eye by allowing the Department's credibility to be called into question. One result is that to this day critics of the policy give little credit to these officers and the Department for their work.

The Great Divide: The Panel's review traced the "Great Divide" that developed between critics of the Administration's policy toward El Salvador and people in the Embassy and the Department who were charged with carrying it out. The ideological and policy differences were real, partisan efforts in both political parties served to fan the flames, and the certification process placed the Department and the Embassy in a difficult vise. Still the continuing bitterness reflected in current discussions of the topic suggests something else broadened the divide.

Americans opposed to the policy in El Salvador often complained that they felt the Department withheld information, occasionally misled them, and generally treated them as "the enemy" during much of this period. In the Department many felt that these critics were so shrill that they were deaf to every

6. Assistant Secretary Enders, in a March 29, 1993, OpEd piece in The Washington Post stated he had no reasons to make apologies for El Mozote. He noted that the exhumations showed that he was wrong about the massacre, and took responsibility for being unable to confirm that it happened to Congress. He denied there had been a coverup and praised U.S. engagement for helping to resolve one of the century's most savage wars.

effort at dialogue. Many critics saw officers in the Department and the Embassy as their adversaries; for their part, most of the Foreign Service professionals felt themselves under attack both from the "left" in Congress and in church and human rights circles and from the "right" in other parts of the Congress and the Executive Branch. Each indeed suspected that the other side was either "using human rights as a way to scuttle a broader policy it opposes" or "ignoring human rights to prosecute the war." The opposition of various church groups to the Administration's El Salvador policy gave secular critics a base of support far broader than if only lay people had been involved on purely human rights or foreign policy grounds.

The Human Rights Bureau under Assistant Secretary Abrams (1982 - 1985) did not effectively cultivate these critics as a constituency on El Salvador. While that Bureau worked well with some of the same human rights groups in other parts of the world, its estrangement from such groups on Salvadoran issues had become almost total by mid-decade. The Bureau of Inter-American Affairs took the brunt of the attack, but it also tended to treat many of these groups as the problem. It squandered the possibility of a better understanding, if not goodwill, in some cases by excessive bureaucratic treatment of requests for information and assistance.

Part of the problem was insufficient personnel. The Central American desk was woefully understaffed in the early days of the El Salvador crisis when the worst abuses occurred, and it never had enough staff to deal with the deluge of inquiries from the outside and demands from the Department's senior levels on both El Salvador and Nicaragua. But the Panel heard too many such complaints to dismiss them. It doubts that relations were handled as well as they could have been even given the admittedly difficult circumstances. Too many times, callers seemed to feel they had been put off without the courtesy of a hearing.

Embassy San Salvador's relations with U.S. human rights organizations and other policy critics appear to have been distinctly better in the early part of the decade than later. This was so despite the fact that the abuses were more numerous and the U.S. policy debate already highly polarized in the early period. Those with whom the Panel talked from both sides of the debate referred in complimentary terms to their ongoing dialogues with Ambassadors Hinton and Pickering. These discussions may not have changed minds but left the distinct impression that the door to discussion stayed open. By mid-decade critics sometimes felt themselves and their contacts in El Salvador under attack by the Embassy as well as by Washington. The relationship improved toward the end of the decade, but it was then clouded by the controversy over the handling of the Jesuit murders.

Similarly, Embassy relations with the Salvadoran human rights organizations seem to have deteriorated by mid-decade.

The relationship was always somewhat distant because the Embassy felt that the reporting of Salvadoran human rights groups tended, in varying degrees, to favor the FMLN. Visitors from the U.S. reported receiving briefings in the Embassy that started off with highly negative assessments of Salvadoran human rights activists. This left the visiting Americans with the unfortunate impression that for the officer giving the briefing, it was more important to fight the propaganda battle than to pursue human rights violations. On the other hand, Embassy officers were frequently put off by the confrontational and morally superior tone of some of their visitors who seemed more interested in gathering ammunition to use against the Administration's policy than finding the objective "truth" in El Salvador.

Critics of the policy often expressed concern that the Administration's determination to support the Salvadoran government and military in prosecution of the civil war against the FMLN led Washington, in its public and private comments, to excuse that government at every turn. There is no doubt that as part of a legitimate and necessary effort to defend the Administration's policy, Washington and Embassy briefers put a positive gloss on actions by the Salvadoran government. There were also undoubtedly periods when the Department and the Embassy became caught up in selling the policy and crossed the fine line in briefing visitors to San Salvador that turned their description of the glass as half-full into a justification of Salvadoran government and military actions that was simply not credible to their critics.

Allowing this communication gap to develop appeared to the Panel to be a serious failure by the Department during most of the decade and by the Embassy for part of it. The divide was extraordinarily difficult to bridge: the fundamental issues were important; many felt the battleground over the policy was Washington, not San Salvador; the ideological nature and partisan overtones of the debate pressured the professional diplomats; and the questioning by each of the other side's honesty and intentions personalized the policy disagreements. Some ranking officials in the Department relished taking a partisan and ideological approach to foreign policy that opened them to a similar counterattack. For lower-ranking officials, to stay courteous, responsive, and open when one's integrity is being questioned requires great forbearance. This is, however, expected of professionals in the government, and critical to the retention of the credibility necessary for our government to function. The costs to the Department of allowing this breakdown in dialogue were high.

The picture the Panel has drawn of Embassy and Departmental performance is therefore one of failures as well as successes. But it bears little resemblance to some of the more prominent press reporting that followed the Truth Commission report. With headlines like "How U.S. Actions Helped Hide Salvadoran Rights Abuses," much of the coverage had something of a rote

quality, reciting the litany of the Kirkpatrick/Haig statements on the churchwomen's murders, the Enders' testimony on El Mozote, a U.S. military study that reported institutional violence in the Salvadoran military, Abrams on D'Aubuisson, questions on handling the Jesuit Case, and Administration "lies" in general. The Panel's account includes most of these. But it also reports efforts by Embassy officials to break cases, the institution-building effort to improve Salvadoran society, the link between past efforts and current successes, and the demonstrated role of elections in moving El Salvador toward a more centrist political system. This picture may be less satisfying to those determined to refight old battles, but the Panel believes it comes closer to conveying the complexity of a notably difficult foreign policy problem, and the persistent efforts of U.S. officials to cope with it.

The Foreign Service and Policy Implementation: The role of the Foreign Service and the embassies abroad in policy implementation is frequently misunderstood. The core concept of the professional American diplomatic service is that it is responsible for carrying out the policy of the President of the United States. It is essential that the Department and its embassies retain their objectivity and credibility in reporting on issues of interest to the United States, but they cannot be neutral toward the President's policy nor disinterested observers. Given the complexity and detail involved in foreign affairs, Foreign Service Officers and U.S. embassies may influence the details of a policy set forth by the President or his Secretary of State, but they cannot publicly oppose that policy. This is not an easy role, and in El Salvador it was sometimes handled inadequately. However, it is an essential part of the function if the Foreign Service is to carry out its charge to serve the President, whatever his party, and to support U.S. foreign policy as he formulates it. To protect this fundamental linkage, Foreign Service Officers who cannot support a particular policy must ask for transfer to another area or resign.

The Department, its embassies, and the Foreign Service do not have the luxury of seeing issues in absolute terms. When faced with dramatic alterations in the public statement of policy (as occurred in the treatment of several issues with the advent of the Reagan Administration), the State Department and Foreign Service seek to combine the new approach with promotion of ongoing U.S. interests in a country, the history of the relationship, and the broad concerns of the American people into as cohesive a policy as possible. There is always a fine line between supporting official policy publicly and internally pressing ideas to change it. There is no question that the great majority of the FSOs and others involved cared deeply about the problems of the Salvadoran people and had nothing but contempt for killers and those who encouraged death squads or wanton murder. Some would have preferred to go farther in cutting off military aid at certain times. In addition, there were policy differences between the State Department and the

NSC and the CIA. But Department and Embassy officers talking to the public had an obligation to defend the Administration's policy, and there were real limits on what they could say to a public audience and retain the confidence of the President and his Secretary of State.

Another problem of interest to the Panel was the effect of the El Salvador experience on the careers of individual officers. If the American people are to be served and the Foreign Service is to fulfill its mandate, it is precisely on complex, controversial issues where the service needs to use its best people. While ambassadors, and to some extent DCMs, can be dragooned into service even in the toughest situations, the critical signal for other officers is how people are treated when they take on the tough jobs and whether they are later rewarded with promotions and good assignments for their extra effort. El Salvador was a difficult place to recruit officers because of the controversy, the unsavory nature of the problems, the dangers, separation from families required by the policy of unaccompanied tours, and a feeling that the rewards would not match the risks involved. It was particularly hard to recruit the critical mid-level people to serve in Embassy San Salvador during most of the period.

The Panel looked at the issue of how the system had treated officers who served in El Salvador or had responsibility for Salvadoran issues in the Department. There were enough highly-publicized cases early in the decade to raise clear questions: the firing of Ambassador White and the abrupt reassignment of Assistant Secretary Enders and Ambassador Hinton. Only one DCM in the American Embassy in San Salvador during this period later became an ambassador. At the middle ranks, it is hard to draw any firm conclusions. Most of the people whom the Panel asked if El Salvador service had hurt or helped their careers felt it had been a wash. Many said they found it an exhilarating, once-in-a-lifetime experience but they had little interest in doing it again. While the Panel has no basis to say that the mid-level people have been penalized by the experience, they seem to have been little rewarded for taking on such a difficult task. The junior officers appear to have done relatively well in career terms. Given that they were such a talented group, most should have risen quickly in the service in any case. The system seems to have served the junior officers well.

At the top ranks, however, the penalty of working on El Salvador or other areas in Central America can be more direct. Historically, there has been a problem when Department professionals who have taken on sensitive assignments are nominated by the President to be an ambassador and come before the Senate for confirmation. All involved in the naming of people for high office in the United States understand there is no due process involved when one or more influential Senators decide to oppose a nomination or place it on hold because they disagree with the policy that the professional was obliged to

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carry out. The basic problem which remains for senior officers is that work on the more controversial issues can entail great risk to their future careers, especially when the controversy involves heated partisan debate. Only the President and the Secretary of State can ensure that the professional diplomats are supported in the appointments process.

VII. CONCLUSIONS AND RECOMMENDATIONS

The core strategy for U.S. policy in the 1980s, trying to help El Salvador build a political center, was inherited from the Carter Administration. If one agreed that this was a viable strategy or at the minimum the "least bad" option available to the United States, then working with the Salvadoran military and certain right wing political figures was not an unreasonable price to pay. Policy critics, however, saw this strategy as disingenuous, ensuring the dominance of the military and the right, inimical to human rights and without moral justification.

It was not the Panel's task to judge the balance of right and wrong in this debate, but to assess the performance of officers within the context of the policy set by successive Administrations. This report finds that Embassy officers performed well on human rights issues. They pushed Salvadoran officials repeatedly. They miscalled some important cases, but they had some real successes. They pressed many cases against considerable odds and, on occasion, at substantial personal risk. Such progress as was achieved in Salvador in bringing abusers to justice during this period seems to have resulted mainly from these American efforts.

In El Salvador, reconciliation is under way. Perhaps the Panel's report can make a small contribution to reconciliation among Americans who anguished over Salvador, through its depiction of what Department and Embassy officers actually did in that real-world situation.

A considerable amount of the Department's records for the period on the most prominent human rights violations have already been released through Freedom of Information Act requests. There continues to be strong interest in further declassification among the public and in Congress. Following the Secretary's instructions and requests from Congress, the Department has set up a special group to process the documents assembled for the Truth Commission and for this Panel, and to declassify them to the maximum degree possible.

The Panel believes it would be useful to help clear the air by declassifying the vast bulk of the record, making minimal deletions to protect sources and sensitive issues. It believes the vast majority of the documents could be declassified in toto. A particular effort should be made to review documents released in part several years ago to restore material deleted at that time.

As declassification proceeds, others will review the documents the Panel has read, and other documents besides. No doubt, some will find additional facts and others will

challenge the Panel's interpretation of the record, at least of certain episodes. But the Panel does not believe that anyone who makes such a study with a reasonably open mind will find the State Department record differs fundamentally from that summarized in this report.

In response to the Secretary's request for lessons learned for the future from Departmental and Embassy handling of human rights issues in El Salvador, the Panel submits the following:

The U.S. Government pays a high price when its representatives are perceived, rightly or wrongly, as indifferent to human rights concerns. In the case of El Salvador in the 1980s, a more open dialogue might not have won the support of human rights activists for U.S. policy, with which they were in fundamental disagreement, but it could have brought better understanding to both sides.

When giving human rights briefings in such highly politicized situations as El Salvador, the more senior the briefer the better the prospect for conveying the overall context of U.S. policy within which human rights issues are addressed.

There must be solid interagency cooperation on human rights work to assure its maximum effectiveness. This requires that the embassy's leaders provide a clear guideline that human rights are a major concern of the mission. Furthermore, they must ensure that other agencies' representatives in the mission understand the necessity to cooperate with the human rights officers. In the case of El Salvador, these officers were typically on their first or second tours in the Foreign Service and needed this reinforcement.

In crisis-ridden countries, the deputy chief of mission is a key figure in the embassy structure. He or she needs to be just as strong a leader as the Ambassador when the latter is absent on consultations in Washington or heavily engaged on other issues for a prolonged period. The Department should therefore exercise particular care in screening deputy chief of mission candidates for such countries as El Salvador in the past decade.

The Department should be sensitive to the workload in such crisis situations and should also ensure that embassy or bureau requests for specialized personnel get priority attention. The Panel was struck, for example, by evidence that Embassy San Salvador's requests for assignment of a legal officer were not more quickly satisfied. The need for generous staffing applies to the Department as well as to the field: the Central American desks in the 1980s faced an overwhelming workload.

Formal guidance for human rights reporting, other than for the Annual Human Rights Report itself is insufficient. The Foreign Service Institute seeks to familiarize all officers

entering the Service with handling of human rights issues during their orientation course. This Institute also includes a few hours of discussion on human rights reporting in its "Political Tradecraft" course. To supplement Institute training, in October 1992 the Bureau of Human Rights and Humanitarian Affairs prepared and disseminated a handbook of human rights to Foreign Service posts. This handbook should be updated to include a listing of the private organizations specialized in this field, with a description of the nature of these organizations' memberships and the geographic areas where they are most active. It should also note any self-imposed restrictions which individual organizations may practice in terms of open cooperation with U.S. Government officials. All human rights reporting officers should be made aware of the availability of this handbook at embassies and in the Department, and should be strongly encouraged to familiarize themselves with it.

Finally, those occupying policy positions in the Department of State have a critical responsibility for the credibility of the institution. An adversarial relationship between the Legislative and Executive branches of our government is inherent and essential to its proper functioning. Congress understands that Department officers whom it calls to testify come before it to support policy. In turn, those senior officers must exert great care that their support for policy does not cross over that often fine line between advocacy and providing misleading information.

APPENDIX A: CASES IN THE TRUTH COMMISSION REPORT

MURDERS

1. Murder of six Jesuit priests (November 16, 1989)[†]
2. San Francisco Guajoyo (May 29, 1980), 12 murdered
3. Murder of Six FDR leaders (November 27, 1980)[†]
Enrique Alvarez Cordoba, Juan Chacon, Enrique Escobar Barrera, Manuel de Jesus Franco Ramirez, Humberto Mendoza, Doroteo Hernandez
4. Four American Nuns executed (December 2, 1980)^{*†}
Ita Ford, Maura Clarke, Dorothy Kazel, Jean Donovan
5. El Junquillo Massacre (March 3, 1981)
6. Four Dutch journalists murdered (March 17, 1982)
7. Las Hojas Massacre (February 22, 1983), 16 peasants executed
8. San Sebastian Massacre, 10 executed (September 21, 1988)[†]
9. Attack Against FMLN mobile hospital (April 15, 1989) five killed, of which at least one victim, French nurse Madeleine Lagadec, executed
10. Dr. Begona Garcia Arandigoyen, Spanish national, executed (September 10, 1990)
11. FENASTRAS and COMADRES bomb attack (October 31, 1989), nine dead
12. Hector Oqueli Colindras and Gilda Flores Arevalo kidnapped and killed in Guatemala (January 12, 1990)

FORCED DISAPPEARANCES

13. Ventura and Mejia (January 22, 1980)
14. Miguel Angel Rivas Hernandez (November 29, 1986)
15. Sara Cristina Chan Chan Medina and Juan Francisco Massi Chavez (August 18, 1989)

* U.S. citizens

† Described in Appendix B

MASSACRE OF PEASANTS BY ARMED FORCES

16. El Mozote (December 10, 1981)[†]
17. Sumpul River (May 14, 1980)[†]
18. El Calabozo (August 22, 1982)
19. General pattern of conduct 1980-82

ASSASSINATIONS BY DEATH SQUADS

20. Archbishop Oscar Arnulfo Romero y Galdamez (March 24, 1980)[†]
21. Death squads, general operations, 1980-1991
22. Mario Zamora Rivas, Christian Democratic leader and Attorney General (February 23, 1980)
23. El Bartolillo hamlet, Tehuicho (July 23, 1980), 13 killed
24. Jose Rodolfo Viera Lizama, Michael Hammer, and Mark Pearlman (January 3, 1981)^{*†}, President of ISTA and two American AIFLD workers

VIOLENCE AGAINST FMLN OPPONENTS

25. Summary execution of mayors (1985-88)
26. Zona Rosa murder of U.S. Marines^{*†} and civilians (June 19, 1985)
27. Herbert Ernesto Anaya Sanabria (October 26, 1987) Head of (nongovernmental) Human Rights Commission
28. Napoleon Romero Garcia, "Miguel Castellanos" (February 16, 1989) assassinated at Center for Studies of the National Reality (CEREN)
29. Francisco Peccorini Lettona (March 15, 1989) murdered
30. Jose Roberto Garcia Alvarado (April 19, 1989) murdered
31. Francisco Jose Guerrero (November 28, 1989) ex-President of the Supreme Court of El Salvador assassinated
32. U.S. military survivors of a downed helicopter^{*} (January 2, 1991) two wounded men killed

^{*} U.S. citizens

[†] Described in Appendix B

- 33. Kidnapping of Ines Guadalupe Duarte Duarte and Ana Cecilia Villeda (September 10, 1985)
- 34. Assassinations of judges -- 28 judges assassinated (1980s)
- 35. Justice of the Peace Jose Apolinar Martinez (June 14, 1988)
murdered

APPENDIX B: EMBASSY AND DEPARTMENTAL PERFORMANCE ON
NINE PROMINENT CASES

1. Assassination of Archbishop Romero

On March 24, 1980, the Archbishop of San Salvador, Monsignor Oscar Romero, was murdered while celebrating mass. The Truth Commission concluded that Roberto D'Aubuisson ordered the assassination, that others involved included Capt. Alvaro Saravia, Capt. Eduardo Avila, Fernando Sagrera, Mario Molina, and Walter "Musa" Alvarez, that Saravia's driver Amado Garay was a competent witness, and that the Salvadoran Supreme Court had hindered Saravia's extradition from the U.S. and thus provided D'Aubuisson with impunity.

The Archbishop's murder was a traumatic event in El Salvador. His funeral was marked by serious violence and almost caused the collapse of the ruling junta. The White House, the Department, and the Embassy quickly issued statements condemning the assassination. There were numerous rumors about who carried out the act, duly reported by the Embassy, including a flap over misquotes of Ambassador White about possible right-wing Cuban involvement. The junta requested, and the Ambassador strongly supported, early involvement of the FBI in the case. The Department turned down the request purportedly out of concern for the FBI agents' safety and the possibility that it would add credibility to the argument that the government was a U.S. stooge or suggest U.S. complicity. In the early stages of the investigation, the presiding judge resigned and left the country after death threats. The Embassy concluded that unless the assassination was an entirely mindless act of an individual, "the weight of evidence points to the responsibility of the extreme right."

There followed a long process of failed judicial investigations, despite the importance of the case to El Salvador and to its image abroad. A National Police investigation lasted only six weeks followed by an equally unsuccessful investigation by the Attorney General. An Embassy political officer was told by a new contact in November 1980 that Roberto D'Aubuisson was in charge of a meeting in which participants drew lots to see who would kill the Archbishop. (A former army major removed in 1978, D'Aubuisson was then temporarily in exile in Guatemala, because he and several confederates had been arrested, and then released, in May for coup plotting. Among the items confiscated was a diary which included information that appeared to be related to the assassination.) In August 1981, the same source told the Embassy officer that a man nicknamed "Musa" had drawn the winning lot. In December the Embassy concluded that "Musa" was Walter Antonio Alvarez who had been taken away from a football game in September and killed.

The question of D'Aubuisson's involvement and the diary became important political issues in El Salvador and in the United States as the former major became an important political figure. The ARENA party he established became his primary vehicle and his rivalry with Duarte was intense. In March 1982, former junta member Colonel Majano stated publicly that the captured documents implicated D'Aubuisson in the Romero assassination and former Ambassador White made a similar statement referring to the Embassy cables noted above. White had asserted on several occasions that the Administration was suppressing the facts in the case. D'Aubuisson came close to the presidency in 1982 after the National Assembly elections, but he had to be satisfied with the consolation prize of leader of the National Assembly when the military leadership imposed Alvaro Magana as Provisional President instead because of concern over foreign, principally U.S. reaction.

During the Presidential election campaign in March 1984, D'Aubuisson presented a videotape of a self-proclaimed guerrilla defector called Pedro Lobo who confessed he had been involved in the assassination. The Embassy was not impressed with his performance, calling it "nothing more than a fabricated fairy tale of the kind most favored by the right." Lobo turned out to be an ex-convict named Salazar paid to claim responsibility for killing the Archbishop. In August 1984, newly installed President Duarte set up a commission headed by Benjamin Cestoni to review this and four other human rights cases but it made no progress on the case. The Christian Democratic Party continued its efforts to link D'Aubuisson to the crime and accused him of trying to use "Pedro Lobo" to cover up.

When the Special Investigations Unit (SIU) was set up in mid-1985 with U.S. assistance (as part of the formal military structure), it began an intensive search for evidence in the case. In June 1987, the SIU located Antonio Garay who said he had driven Romero's assassin to the scene of the crime and implicated Captain Alvaro Saravia. Saravia was located living illegally in Miami and working in a pizza parlor. Following Garay's testimony, President Duarte went public with the information implicating Saravia and D'Aubuisson. Saravia was then placed in custody in Miami based on the Salvadoran government's provisional arrest request. The Embassy noted that "successful prosecution of the Romero assassins is of the highest priority to the Salvadoran and U.S. governments. The resolution of this prominent case would help demonstrate in an important way the strong commitment of the U.S. Government to supporting the Salvadoran government in its efforts to advance the rule of law and bring to justice violators of human rights." As the extradition process moved forward slowly, the Embassy reported several indications that the "D'Aubuisson Mafia" was making an effort to obstruct Saravia's extradition from the U.S. In December 1988, the Salvadoran Supreme Court ruled in favor of Saravia, overturning the extradition order.

The Christian Democrats made D'Aubuisson's involvement in Archbishop Romero's death an issue once again in the 1989 campaign as it had in 1984, although with much less success, as ARENA won the election and Alfredo Cristiani became President. By 1991 D'Aubuisson had become an outspoken advocate of reconciliation in El Salvador. He died of cancer in February the following year. Saravia remained in the United States.

2. The Rio Sumpul Massacre

The Truth Commission concluded that on May 14, 1980, Salvadoran military personnel deliberately murdered at least 300 unarmed civilians on the edge of the Sumpul River near Las Aradas. The Honduran Armed Forces reportedly cooperated in the operation by preventing the Salvadoran civilians from crossing the river into Honduras.

The incident occurred on the border between the two countries, and the story broke in Honduras. Embassy Tegucigalpa reported on June 25 that the Bishop and priests of Santa Rosa de Copan (in Honduras) published a communique on June 24 which charged that 600 persons had been massacred by the El Salvador National Guard and ORDEN at Las Aradas on May 14, claimed complicity by Honduran forces, and said the OAS observers had turned a blind eye. The Embassy cable noted that rumors of widespread civilian and guerrilla casualties had been frequent in the area, that reporters who had tried to check out the charges had been unable to find evidence, at least on the scale charged, and that other sources thought something like what was stated may have occurred. The Embassy termed the charges serious and detailed and reported Honduran denials with appropriate skepticism. The Department's spokesman on June 26 stated that "we are aware of recurring rumors of large-scale civilian and guerrilla casualties along the Rio Sumpul. . . . To our knowledge, there has been no verification of those reports." He noted that reporters visiting the area had uncovered no evidence substantiating the charges and mentioned the Honduran government denial without comment.

A day later, a cable from the Department expressed concern about the "leftist propaganda campaign" over the alleged atrocity and asked for more information and analysis from both San Salvador and Tegucigalpa. Tegucigalpa pointed to its earlier cables and commented that "it appears that something more than a confrontation with guerrilla forces occurred . . . but additional details are difficult to verify." It suggested the priests would not have made up the story out of whole cloth but were ready to jump to conclusions, adding that the priests' conclusions were "gleefully picked up by extreme left throughout Central America and bounced back and forth to establish their 'veracity' through repetition." San Salvador reported Embassy personnel had talked with a U.S. reporter who had visited the area and "uncovered nothing at all of the atrocities nor had he come across even allegations of the

atrocities," and also with a member of the observer group who had "seen or heard of no evidence which would substantiate claims of the alleged atrocity." San Salvador concluded it could "find no evidence whatsoever of alleged atrocity on Honduran border."

Embassy Tegucigalpa continued to talk with its sources and reported "operations were indeed taking place in which civilians have been caught" and noted an American journalist who said a massacre, though of fewer people, had indeed occurred. It also reported efforts by the Hondurans to demonstrate they had not been involved. More concretely, it cautioned the Honduran government against expelling the priests for making the charges. On July 3, the Embassy sent a political officer to the area to talk with the priests. His cable concluded that the priests made a "convincing case that events occurred generally as described" and "as far as investigation on this side of the border is able to establish, there was a guerrilla sweep of which the GOH knew and civilians as well as guerrillas died."

In late September that year, a Department cable noted that allegations continued to be made about the massacre by private and religious organizations in the U.S. and asked for further information. Embassy San Salvador reported the story had not been given much currency inside El Salvador and commented that it had not "seen any convincing evidence to indicate that the massacre actually took place." It noted that several newsmen had visited the site "but were unable to uncover any evidence." It concluded: "However, it is extremely difficult to prove the negative."

The Panel found no further reporting on the Rio Sumpul Massacre.

3. Murder of FDR Leaders

Six leaders of the Revolutionary Democratic Front (FDR) were kidnapped and killed on November 27, 1980. The Truth Commission concluded the act was carried out by one or more of the public security forces.

The Embassy reported the murders along with the communique from an extreme rightist group claiming responsibility. It provided further details as they became available. The Embassy had contacted a witness immediately after the six were detained, and the Ambassador attempted to intercede on their behalf with the Acting Foreign Minister, but to no avail. The Embassy concluded from the first that the "evidence that the security forces are responsible for the action is overwhelming." It predicted that Col. Majano would leave the junta (which subsequently occurred), noted the possibility of a confrontation between the Christian Democrats and the military, and added that "strong United States action will be required to

keep the government intact and avoid [its] slide into a repressive military dictatorship with an unstated policy of permitting the security forces to kill with impunity." The Ambassador recommended an immediate suspension of military assistance until the assassination was dealt with satisfactorily.

Before receiving the cable above confirming the killing of the FDR leaders, the Department's spokesman called the kidnappings "a deplorable terrorist incident" and noted news reports that they had been killed. The following Monday he condemned the killings themselves as a deplorable act of terrorism" and expressed concern about the "vicious circle" of killings. The atmosphere in San Salvador was very different. The Embassy reported that many military leaders seemed "quite satisfied" that the FDR leaders had been killed. Rumors pointed to various groups who might have been responsible, including the military, Roberto D'Aubuisson, and National Guardsmen. But the investigation never made any progress and no one was ever arrested in the case.

U.S. attention was quickly diverted by the killings of the American churchwomen on December 2 and the AIFLD workers on January 3, 1981. The FDR murders were subsequently mentioned in Embassy cables as examples of the continuing violence.

4. Murder of Four American Churchwomen

On December 2, 1980, members of the Salvadoran National Guard arrested four American churchwomen (Nuns Ita Ford, Maura Clarke and Dorothy Kazel, and laywoman Jean Donovan) on the road from the international airport. They were taken to an isolated spot, raped and killed. In 1984, Subsergeant Luis Antonio Colindres Aleman and four other members of the National Guard were sentenced to 30 years for the crime. The Truth Commission concluded the abductions were planned in advance and the men had carried out the murders on orders from above. It further stated that the head of the National Guard and two officers assigned to investigate the case had concealed the facts to harm the judicial process.

This particular act of barbarism and attempts by the Salvadoran military to cover it up did more to inflame the debate over El Salvador in the United States than any other single incident. It produced a grass-roots opposition to the incoming Administration's El Salvador policy. The comments by UN Ambassador-designate Jeane Kirkpatrick in December and Secretary of State Haig in March on the churchwomen's motives and the event itself were taken as "emblematic" of the Reagan Administration's approach on human rights in El Salvador (see note 3). Congressional interest was intense and books and a television documentary added to the public controversy on the issue.

Embassy involvement in the case was strong from the beginning. The Ambassador went immediately to the temporary burial site of the women, the Embassy human rights officer broke the case, and the perpetrators were brought to justice only after intense pressures from both the Executive branch and Congress. In the midst of continuing public debate, Secretary Shultz asked Judge Harold R. Tyler, Jr. to make an independent investigation in 1983. His highly detailed study concluded that the National Guardsmen were indeed guilty, that an extensive coverup had occurred, and that "the killers would never have been identified and the evidence of their guilt never properly assembled had it not been for the efforts, often courageous, of United States (State Department and FBI) personnel." Unlike the Truth Commission, Judge Tyler concluded that Colindres Aleman probably acted on his own initiative.

Embassy reporting and the files on this key case are extensive. After the first visit to the exhumation site and discussions with local officials, the Embassy reported that the implication that the churchwomen were murdered by Salvadoran security officials was "absolutely clear." The U.S. sent William D. Rogers and Assistant Secretary Bowdler to El Salvador to make an immediate appraisal and underline the importance the U.S. attached to a prompt and thorough investigation. They found no direct evidence implicating Salvadoran authorities and urged that the FBI play a role in the investigation. The junta announced that Colonel Roberto Monterrosa would conduct an investigation into the crime and the National Police initiated a separate effort led by Major Lizandro Zepeda.

The Monterrosa Commission originally appeared to the Embassy to be sincere and "pursuing every avenue to bring this matter to a logical conclusion." After it took a long Christmas break and then proceeded at a much slower pace in January, however, the Embassy was much less confident about prospects for progress. On January 19, Ambassador White took issue with statements from Washington that the investigation was proceeding satisfactorily, saying that there was "no sign of any sincere attempt to locate and punish those responsible for this atrocity." In fact, as Judge Tyler stated, "Colonel Monterrosa did as little as possible throughout the early spring of 1981" despite instructions to the contrary from President Duarte. Monterrosa clearly knew what he was doing. When, after much prodding, he provided fingerprints to the U.S. in February of three of the four people from whom his Commission had taken statements, he specifically omitted prints from the person responsible.

Meanwhile, the U.S. Embassy was pressing its own effort. A contact of the human rights officer told him in April that Subsergeant Colindres Aleman had ordered the murders. Chargé Chapin met separately with President Duarte and Minister of Defense Garcia to tell them of this information, noting specifically that Colindres' fingerprints had not been passed

to the Embassy by Monterossa. Garcia promised the guilty would be punished. In discussions over the next few days, the source provided the names of all those involved and these too were formally handed over to the minister for action. The people on the Embassy's list were arrested the next day, their fingerprints taken, and guns sent to the U.S. for analysis. The FBI soon identified Colindres' print as matching one on the churchwomen's van and one of the confiscated rifles as having fired a shell discovered at the scene of the crime.

As the issue languished through the fall, the Embassy pressed hard for a serious follow-up investigation. Then in December the head of the National Guard established a new working group headed by Major Jose Adolfo Medrano to carry out an investigation. Medrano's group carried out a much more serious effort with direct Embassy involvement and technical assistance from the FBI. The Embassy reported the developments in the case in considerable detail. The Medrano investigation was completed on February 9, 1982, President Duarte announced the resolution of the case the next day, and the six men were discharged from the National Guard and turned over to civilian authorities for trial.

The process again slowed as the civilian authorities tarried in carrying out their investigation. Tensions over the case in the United States grew as predicted trial dates were not met. The frustrations of the families and their supporters grew apace. Some charged that: a) progress was not being made as required by the certification legislation, b) the U.S. was assisting in the delay ("there is mounting evidence that both responsible officials of El Salvador and what is more appalling, officials of the murdered women's own government, are studiously avoiding the measures that might expose the truth," said one critical report), c) the Administration was ignoring "evidence indicating that higher military officials participated in ordering the crime and covering it up," and d) the U.S. Government refused to declassify all information it had for the families and their supporters to use. Questions were raised about leads not followed or facts ignored that suggested a conspiracy. The investigation by Judge Tyler was designed to spur on the Salvadoran justice system and to review the merit of the many accusations and theories being advanced by the critics. His study, completed on December 2, 1983, and declassified following the verdict in the trial, took strong exception to criticism of the Department's role, noting its and the FBI representatives had been "vigorous and effective" in pressing the Salvadorans to investigate and prosecute the crime.

With U.S. pressure intense, the Salvadorans moved the case to the trial stage that October. Finally, on May 26, 1984, the defendants were found guilty and sentenced to 30 years in prison. The Truth Commission noted that this was the first time in Salvadoran history that a judge had found a member of the military guilty of assassination. Those convicted filed a

petition for release under the November 5, 1988, amnesty. This was denied after the judge ruled that the killings were not a political crime, and therefore not covered by the amnesty.

5. The Sheraton Murders

On January 3, 1981, two agents of the National Guard gunned down two American advisers of the American Institute for Free Labor Development (AIFLD) Michael Hammer and Mark Pearlman and the president of the Salvadoran Agrarian Reform Institute Rodolfo Viera in the dining room of the Sheraton Hotel in San Salvador. The two murderers Santiago Gomez Gonzalez and Jose Dimas Valle Acevedo were convicted and released after the 1987 amnesty. The Truth Commission stated that Captain Eduardo Avila and Lieutenant Lopez Sibrian took part in the planning of the operation and that it had sufficient evidence that the businessman Hans Christ participated in the planning. The last three were never brought to trial.

Embassy personnel were called immediately to the scene of the crime. The Chargé called President Duarte and the Defense Attaché called the Minister of Defense emphasizing the importance of the crime and the need for immediate action. The Embassy's first reaction was that given tight security at the hotel and the right wing's well-known hatred of Viera, rightist death squads were the leading suspect. Duarte told newsmen the same thing the next day.

On March 19 a waitress in the hotel approached an American to ask for help to go to the United States. She said she had seen the people who killed the three men on January 3 and feared for her life. Upon arrival in the U.S. she said she had served dinner to six men including Hans Christ and another businessman Ricardo Sol Meza who were later seen bending over the bodies. The witness returned briefly to El Salvador on April 4 to give testimony admissible on Salvadoran soil. The FBI polygraphed her to confirm her story and carried out ballistics tests on seized weapons. Sol Meza was taken into custody, Hans Christ was apprehended in Miami on April 15 for extradition to San Salvador, and Lopez Sibrian was arrested in San Salvador six days later. In October the Supreme Court ordered the release of Sol Meza for lack of evidence but reaffirmed the arrest order for Christ.

The U.S. pressed hard for progress in the case. In June 1982 a Salvadoran working group on the Sheraton began work by reinterviewing people involved in the case. The presiding judge in Miami dismissed the extradition case against Christ the same month. The working group began to get results in August: two National Guard bodyguards confessed to killing the three men and were put under detention by the military on September 1. The bodyguards implicated Christ but not Sol Meza. Lopez Sibrian was separated from the military and remanded to the court on September 24. Captain Avila had also

been questioned and polygraphed. When the presiding judge concluded there was insufficient evidence to hold Lopez Sibrian, the Embassy disagreed strongly, emphasizing that the evidence against him was strong and dismissal of the case would have serious consequences including on U.S. aid levels. Although Lopez Sibrian was removed from detention, he remained in "informal detention" because of the U.S. interest.

By this time the case was also linked to the certification process. In February 1983, the Ambassador argued that we should "play hardball" on Lopez Sibrian's detention, allowing military aid to be cut if necessary to force the Salvadoran government to get its act together. When the appeals court confirmed the dismissal of charges against Sol Meza and Christ and the suspension of the case against Lopez Sibrian, Ambassador Hinton again argued that the time had come to take a stand and called for a suspension of military aid. His recommendation was not followed. Meanwhile, the Embassy continued to press unsuccessfully for a full-time FBI investigator to provide support on this and other cases.

In December the police arrested Captain Avila who had early deserted the army and fled abroad. In January 1984, the Embassy summed up the problem of getting convictions of those who gave the orders for the killings by saying "extensive micromanagement on the part of the U.S. Embassy and full cooperation from the Salvadoran government and judicial authorities is going to be required to advance this case." It pressed the Salvadoran authorities to keep Avila in jail, hoping to use his testimony to reverse the dismissal of the case against Lopez Sibrian. Despite these pressures, Captain Avila was released on March 22, 1984. Later, on November 15, the Salvadoran Supreme Court definitively dismissed charges against Lopez Sibrian. The Embassy worked again to help build a case against Avila.

On February 13, 1986, five years after the murders, the confessed gunmen were convicted of the crime. They were later given 30-year sentences. Two months later, Lopez Sibrian was captured with the help of his erstwhile backer Roberto D'Aubuisson for involvement in a kidnapping. In December 1987, the two gunmen and Avila were all freed under the amnesty law. In April 1988, the U.S. Embassy claimed "internationally protected persons" status for the AIFLD workers but there was little more that could be done to reopen the case.

6. The El Mozote Massacre

The Truth Commission stated that more than 500 men, women, and children were massacred in El Mozote and nearby hamlets on over a three-day period beginning December 11. The massacre was carried out by units of the Atlacatl Battalion, an "Immediate Reaction Infantry Battalion" (the first of its kind in El Salvador), which had completed its U.S. counter-insurgency

training earlier that year. The FMLN Radio Venceremos first broke the story of the massacre on December 27. It reached the international press with the publication of front-page articles in the New York Times and Washington Post on January 27, 1982, following visits by American reporters to the site. The incident was confirmed by autopsy reports on remains in the area ten years later.

Ambassador Hinton informed the Department on January 8 that he had been asked about a massacre in Morazan Department by a representative of the National Council of Churches and had responded: "I certainly cannot confirm such reports nor do I have any reason to believe they are true." He noted that Embassy sources had provided no hint that such a thing had occurred and quoted a Radio Venceremos report of January 2 as the only source he had seen. He then stated that he did not consider Radio Venceremos to be reliable. A discussion a few days later with a freelance American journalist who had apparently accompanied the Salvadoran troops on their sweep in the area and witnessed nothing untoward added to the Embassy's skepticism. Further skepticism, and a belief that the El Mozote story was part of an FMLN pre-certification propaganda campaign, was engendered by a false story filed a few days earlier by one of the same journalists who wrote on January 27 to the effect that U.S. military trainers had observed Salvadorans carrying out torture.

Asked about a massacre when the stories in the New York Times and the Washington Post appeared on January 27, the Department's spokesman said "if the reports were proven accurate, we would obviously deplore such an incident." He quoted the Ambassador's January 8 response at some length and added that "the Embassy has, and will continue actively, to seek corroboration of such reports." He reiterated the Department's position that "we abhor violence of this type, whether from the right or the left, whether by government troops or guerrilla insurgents."

The January 27 stories prompted the Embassy to carry out its own investigation. It sent the assistant defense attaché and a human rights officer to the area. They were unable to get to the site -- which had returned to rebel control -- but they flew over it by helicopter and talked to people in the vicinity.

The Embassy reported its conclusions in a cable dated January 31. The summary stated: "Although it is not possible to prove or disprove excesses of violence against the civilian population of El Mozote by government troops, it is certain that the guerrilla forces who established defensive positions in El Mozote did nothing to remove them from the path of battle which they were aware was coming and had prepared for, nor is there any evidence that those who remained attempted to leave. Civilians did die during Operation Rescate but no evidence could be found to confirm that government forces systematically

massacred civilians in the operation zone, nor that the number of civilians killed even remotely approached number being cited in other reports circulating internationally." It noted they were still pursuing the question of what army units were present in El Mozote.

The body of the cable described Morazan Department (where El Mozote is located), El Mozote itself (noting its population at the time was estimated at no more than 300), and the military's Operation Rescate. It said there was stiff guerrilla resistance and four hours of fighting. It further noted that "civilians remaining in any part of the canton could have been subject to injury as a result of the combat" and added that El Mozote returned to guerrilla hands December 29. The reporting officers quoted an aged couple who fled the town during the attack as saying they saw dozens of bodies. The mayor of a nearby town was unwilling to discuss the comportment of government forces saying "this is something one should talk about in another time, in another country." He and a priest both agreed that many of the refugees in this nearby town were from guerrilla families.

The conclusion of the cable noted that the area was war-ravaged with the government controlling the towns, the guerrillas the countryside, and "most civilians attempt[ing] to maintain a tenuous neutrality." With El Mozote in guerrilla hands since August 1981, the reporting officers felt "the inhabitants were certainly passive and probably active guerrilla supporters." The cable noted inconsistency in the reported numbers of deaths, adding its estimate that no more than 300 people were in the entire canton. It noted that various contacts in the area had been unable to provide first-hand information on El Mozote, that the officials had visited "locations throughout Morazan" on January 30 and interviewed inhabitants and refugees from El Mozote and nearby cantons.

Ambassador Hinton was clearly uncomfortable about jumping to conclusions on El Mozote. He complained to the Department on February 1 about a cable that referred to his "denying" the incident. "I would be grateful if Department would use extreme care in describing my views on alleged massacre," he wrote, noting that he had said he had no confirmation of it and no reason to believe Radio Venceremos. He added, however, that "additional evidence strongly suggests that something happened that should not have happened and that it is quite possible Salvadoran military did commit excesses." He also dismissed the Salvadoran Defense Minister's denial as "stonewalling without credibility" and told the Minister that something had "gone wrong" with the operation. The next day he pressed him to name the leaders of the battalion involved. The Defense Minister responded by calling the stories a "novella" and a "pack of lies."

The Department released the Embassy summary of its investigation to the press on February 1. Assistant Secretary Enders testified at several House and Senate committees over the next few days. His approach before the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee on February 2 was typical. He commented that there was "no question that the human rights situation in El Salvador is deeply troubled" and discussed the difficulties of gathering accurate information. He said the "most difficult of all to assess are the repeated allegations of massacres. The ambiguity lies in the fact that there are indeed incidents in which the noncombatants have suffered terribly at the hands of the guerrillas, rightist vigilantes, government forces, or some or all of them, but at the same time the insurgency has repeatedly fabricated or inflated alleged mass murders as a means of propaganda." He noted two instances that had not stood up under investigation in 1981 and sharply criticized the killing of 19 persons in San Salvador (San Antonio Abad) two days previously, adding that he "deeply deplored" the "excessive violence of the Salvadoran forces in this incident."

He continued that "we sent two Embassy officers down to investigate the reports . . . of the massacre in Mozote in the Morazan Province. It is clear from the report that they gave that there has been a confrontation between the guerrillas occupying Mozote and attacking government forces last December. There is no evidence to confirm that government forces systematically massacred civilians in the operations zone, or that the number of civilians remotely approached the 733 or 926 victims cited in the press. I note they asked how many people there were in that canton, and were told probably not more than 300 in December, and there are many survivors including refugees now." He added that "our Embassy tries to investigate every report we receive, and we use every opportunity to impress on the El Salvador government and army that we are serious about practicing human rights and they must be too."

In the testimony cited above, Enders did not note that the Embassy officers, unlike the reporters, did not actually visit the site. That omission became highly controversial, despite the fact he had told another subcommittee the day before the officers had not reached El Mozote.⁷ So did the phrase "no evidence to confirm."

7. Enders had, in fact, noted to the House Foreign Operations (Appropriations) Subcommittee on February 1 that the town of "El Mozote was again in insurgents' hands and we could not go there" and repeated that point a few days later to the Senate Foreign Relations Committee. He provided a classified copy of the original reporting cable to the Senate.

The controversy on El Mozote was also heightened by the political context. Not only did the President make his first certification on El Salvador on January 28, but critics in Congress and the press were questioning Administration statements of Nicaraguan support to the Salvadoran insurgents (this, of course, was the basis for U.S. covert funding of the contras which had begun two months before). The Administration planned to send new aid to El Salvador, and the Administration had complained repeatedly that press reporting from El Salvador was biased in the favor of the FMLN. The thrust of Enders' testimony was to dispute the press reports on El Mozote. The standard response the Department then used for Congressional and other correspondence went further. It was, in fact, designed essentially to discredit the story by repeating that there had been a battle for the town, that civilians were not removed from the line of fire, and that "the guerrillas have grossly inflated the number of civilian deaths for propaganda purposes."

Embassy San Salvador did not attempt again to go to El Mozote. Embassy Tegucigalpa reported on February 17 that some recently arrived Salvadoran refugees from Morazan Province said there had been intense military sweeps through the province in December and that houses were burned and many residents killed. With the run-up to the March 1982 election and movement on some U.S.-interest cases, Embassy San Salvador found itself with little time to follow up on the El Mozote case. There was apparently also no effort in Washington to obtain and analyze the numerous photographs that had been taken at the site by the American journalists. In May the Embassy reported it had attempted to establish a data base for further investigation of the events in El Mozote, but said it was "unable to reach a definite conclusion regarding civilian deaths" there. Reviewing all available sources, it felt that none of them "concretely indicate that anywhere near 1,009 civilians were massacred there."

The El Mozote issue then appears to have been lost in the flood of ongoing embassy business. The election and its aftermath dominated the Salvadoran political scene. People the Panel interviewed underlined that it had dropped off the scope of the Embassy's and the Department's concerns. However, given the enormity and prominence of the charges, this was clearly a case where an extraordinary effort -- possibly including pressing for a Salvadoran military operation to escort neutral observers to the site -- was needed. The Embassy does not seem to have been inclined to press, and Washington preferred to avoid the issue and protect its policy then under siege. By July, Enders' careful "no evidence to confirm" had become in the certification report "no evidence to support allegations of large-scale massacres allegedly committed by government forces." This conclusion is obviously inconsistent with the January 31 cable and Hinton's subsequent cautionary messages as well as the press reports. It undermined the Department's

credibility with its critics -- and probably with the Salvadorans -- in a serious way that has not healed.

The exhumations in 1992 showed clearly that a massacre had indeed occurred and the U.S. statements on the case were wrong. On December 11, 1992, two Embassy officers went to El Mozote to attend a ceremony honoring those who had died in the massacre.

7. Zona Rosa Murder of Four U.S. Marine Guards

The Truth Commission found that on June 19, 1985, a group of armed men from the Revolutionary Party of Central American Workers (PRTC), one of the FMLN member organizations, opened fire on four Marine Guards from the U.S. Embassy, killing them and eight others. The Marines were in civilian dress, seated at an outdoor cafe in the Zona Rosa district of San Salvador, and unarmed. Three days later the PRTC claimed credit for the killings and on June 25 the FMLN leadership supported the action, labelling the Marines a legitimate military target. Three men were arrested in August for the murders.

President Reagan denounced the attack as an atrocity showing these were terrorists in a "war against all civilized society." The SIU was put in charge of the investigation, and the FBI offered full assistance. The State Department also posted its first counter-terrorism reward of up to \$100,000 for information leading to the prosecution and punishment of those responsible. The Embassy and FBI worked closely with the SIU as it developed a series of clues in the case. (Of immediate importance to the Embassy staff was a State Department Inspector General's special inquiry that travelled to San Salvador to determine if formal action should be instituted to fix the blame for the deaths on Embassy management. The inquiry determined that the security program was "reasonably related to the security threats in San Salvador" and formal action was not necessary. However, given the obvious increase in the threat to the Embassy, security measures applied to personnel at the post were enhanced.)

On August 4, an intended illegal immigrant apprehended at the border told the INS that he had overheard William Celio Rivas Bolanos and Ulises Dimas Aguilar talking about the June 19 attack in an upholstery shop in San Salvador. The witness voluntarily returned to San Salvador and was put under arrest. By late August the SIU had the names of four men involved in the killings plus three who planned the attack, and on August 28 President Duarte announced that three people had been arrested. The initial investigative phase of the case was completed on January 21, 1986. It was passed on to the first instance (trial) court where the pace slowed. The Embassy complained that this reflected the usual lack of resources, judges, and defense counsel which hampered all of Salvadoran justice.

Soon after President Duarte signed a general amnesty in October 1987 as part of the Esquipulas II Peace Accords, the defense petitioned the court to dismiss the proceedings on the grounds that the crime was "political." On December 4 a Court Martial confirmed the dismissal. The U.S. then formally notified El Salvador that the Marines came under the "internationally protected persons" provisions of the 1973 New York Convention and the Salvadoran Foreign Ministry agreed. As proceedings dragged on, the U.S. explored whether it could prosecute the three under U.S. law although it made clear its preference for prosecution in El Salvador. President Duarte revoked the Court Martial's decision in April 1988 citing the argument that the Zona Rosa killings were common crimes affected by El Salvador's obligations under the international terrorism and protected persons conventions. In September 1989 the Salvadoran Supreme Court upheld that ruling. In April 1991, the three defendants were sentenced to terms of 25, 11, and 4 years in jail. The two lesser sentences were reduced on appeal.

8. San Sebastian

The Truth Commission found that members of the Jiboa Battalion arrested and executed ten prisoners in San Sebastian on September 21, 1988. The report named those believed responsible and said they had fabricated a fictitious ambush to cover up the crime.

Shortly after the incident, Embassy personnel were given an account by the Salvadoran military that an ambush had occurred. The Embassy suspected the military version from the first and soon heard stories blaming the army. Ambassador Walker met with the Salvadoran Minister of Defense to underscore U.S. interest in a prompt, impartial investigation of the incident. The Department weighed in urging the Embassy to keep up the pressure for an accurate and speedy report. A team from the Embassy went to the area on September 24 to review the incident. They were told the military unit was escorting eight detainees to a helicopter landing zone when the group ran into a mine and rifle fire ambush and the detainees were killed. After inspecting the site and interviewing people in the village, the Embassy concluded that "there are a number of disturbing indications that the incident was not the product of an FMLN ambush." It then enumerated questions about the military's story that did not add up.

The Ambassador raised the Embassy's concern about the killings and the need for a complete, impartial, and definitive investigation into the case with President Duarte on September 27. Duarte agreed, saying that it was imperative the system be shown to work. He ordered two investigations -- civilian and military -- noting that his strategy was to let the Defense Minister "prove the capability of the military to investigate itself and provide a truthful report." The Embassy stayed in

daily contact with the investigators to move the process forward.

An Embassy officer (along with representatives of several human rights groups) attended the exhumation of the bodies on October 5 which confirmed that at least seven of the victims had been shot at close range. The Embassy report on that visit and the progress of the Salvadoran investigation indicated that the Salvadorans did not buy the military's cover story either. On October 14 a judge issued warrants for four of the soldiers involved, but the army balked. Duarte then changed course. He told the Ambassador in early November that he found the various reports he had received to be useless and had decided to put the Special Investigative Unit in charge of the case. Secretary Shultz congratulated Duarte on that decision. Meanwhile, the Embassy human rights officer and the Ambassador continued to press the case very hard.⁸ Ambassador Walker raised it with the Foreign Minister on December 13, noting that Salvadoran actions on this case would affect Congressional attitudes on aid. The Foreign Minister replied that he hoped to convince the military that the stakes were too high to stonewall.

By early January, however, Embassy contacts close to the investigation left little doubt that the SIU was dragging its feet and was tending to accept the brigade's version of events. In a January 5 meeting with Duarte, the Ambassador said the investigation appeared aimed at protecting those responsible, that no one accepted the military version of events, and that inaction could put U.S. aid at risk. Duarte lamented his inability to force the high command to punish those responsible and suggested a high-level signal from the incoming Bush Administration. The Embassy provided the Department with its action program designed to get the process moving. It also reported that the judge and prosecutors in the case had resigned and the SIU investigation was moving at a snail's pace.

The Bush Administration decided to take up President Duarte's suggestion and the San Sebastian case was made an important part of the agenda of Vice President Dan Quayle's February 3, 1989, visit to San Salvador. The Vice President told the Salvadoran Joint Chiefs that the San Sebastian case was viewed as a critical test of the advancement of human rights in El Salvador, adding that "whoever was culpable must be punished." The Defense Minister told the Ambassador six days later they understood the Vice President's message and had

8. A Department cable singled out the officer's work in this case, noting that "the quality and clarity of his reporting" and his "mastery of the details . . . has enabled us to stay on top of this crucial case."

decided to establish an Honor Board to review the case, relieve three officers of command during the investigation, and have the Honor Board cooperate closely with the civilian legal authorities. He asked for U.S. assistance in carrying out polygraph investigations. At the Department's request, the FBI agreed to provide polygraph assistance and the Defense Department forensic experts. On March 9, the human rights officer who had been pressing the case briefed the Honor Board on the evidence available to the Embassy.

On March 11, 1989, the Salvadoran High Command announced its conclusions that it had sufficient evidence on nine active duty military personnel to detain them and hand the cases over to the courts. The Embassy called this a very positive outcome -- it was the first time the military had investigated human rights violations of its own people and concluded probable guilt on the part of active duty personnel -- but cautioned that the case was not over. That assessment proved correct. In decisions in February and May 1990, all but the major in charge of the operation were released for lack of evidence. Despite numerous promises of action, his trial had not taken place by the time of the publication of the Truth Commission Report in March 1993.

9. Murder of the Jesuit Priests

On November 16, 1989, six Jesuit priests at the Central American University in San Salvador, including the University's rector Father Ignacio Ellacuria, were killed along with a cook and her daughter. After two years of investigation, nine members of the military were tried for the murders. Colonel Guillermo Benevides and Lieutenant Yussmy Mendoza were sentenced to 30 years in prison. Three others received lesser sentences and were released. In a reversal of previous outcomes, the soldiers who actually shot the priests were acquitted, their confessions notwithstanding. The Truth Commission concluded that Colonel Rene Emilio Ponce gave the order to Colonel Benevides to kill Ellacuria in the presence of General Juan Rafael Bustillo, Colonel Orlando Zepeda, Colonel Inocente Orlando Montano, and Colonel Elena Fuentes. It found that the assassination was organized by Major Carlos Camilo Hernandez Barahona and that Colonel Oscar Alberto Leon Linares, Colonel Manuel Antonio Rivas Jejia, Colonel Nelson Ivan Lopez y Lopez, Colonel Gilberto Rubio y Rubio, and the attorney Rodolfo Antonio Parker Soto knew what had happened and took steps to conceal it.

The murders occurred five days after the FMLN launched its largest urban military offensive of the war. The Embassy reported the murders of the priests the day they occurred, describing Father Ellacuria as "an important figure in the ongoing political debate, greatly respected for his intellectual strengths while viewed with suspicion by some sectors for his clearly leftist views." American ambassadors

and other officials had met with Ellacuria several times in the 1980s, and his opinions were frequently sought by visitors from Washington. Ambassador Walker attended the funeral held for Ellacuria and his fellow Jesuit priests.

The story of what happened has been ably told by the Truth Commission, the Lawyers' Committee on Human Rights and other groups, and in particular by Congressman Joe Moakley's reports of the Speaker's Task Force on El Salvador in April 1990 and November 1991 along with several other statements by Congressman Moakley. The Jesuit case is unique for the involvement of Congressman Moakley and his staff not only in investigating the case itself, but in helping to push the case to trial. There remains considerable doubt among several people whom the Panel interviewed about the evidence used by the Task Force and the Truth Commission to substantiate higher-level orders in the case, but no one disputes top-level involvement in the coverup. There is also controversy over the Embassy's role at several points.

On the evening of November 13, after Father Ellacuria returned to San Salvador from abroad, a unit of the Atlacatl Battalion led by Lieutenant Jose Ricardo Espinoza Guerra, accompanied by Lieutenant Mendoza carried out a search of the University of Central America campus. During the evening of November 15, a meeting of the General Staff was held to discuss strategy for countering the FMLN offensive. The Truth Commission concluded that the decision to kill Ellacuria came at a side discussion of that meeting; participants deny the question was discussed. What has been established by testimony in the case is that Colonel Benevides called in Lieutenant Espinoza, Lieutenant Mendoza and Second Lieutenant Guevara Cerritos at around 11 p.m. and instructed them to eliminate Ellacuria. A group of military personnel from the Atlacatl Battalion led by Espinoza then entered the compound and killed the priests. They fired machine-gun rounds at the facade of the building and left graffiti suggesting it had been done by the FMLN.

The SIU began the investigation within an hour and a half after the bodies were discovered. Their technical work was given high marks, but it was three weeks before they began to ask for basic information from the military. Meanwhile, a witness, Mrs. Lucia Barrera de Cerna, had come forward. After giving a statement in the Spanish Embassy that she had observed soldiers at the scene, she, her husband, and their daughter were flown to Miami on a French military aircraft, put in a hotel and taken care of by Embassy San Salvador's legal officer, and questioned by the FBI from November 27 to December 3. The Embassy legal officer and the head of the Salvadoran SIU were also present at the interrogations. After Mrs. Cerna changed her story and registered deception on the polygraph, the Salvadoran Attorney General issued a statement saying she was a "very unreliable witness." The Catholic hierarchy in San Salvador furiously denounced the U.S. Government for her

"brainwashing." Congressman Moakley's Task Force concluded that U.S. officials should have acted with greater sensitivity toward this obviously frightened woman, but it rejected the idea that the U.S. intentionally sought to discredit her statement.

Similar controversy surrounded the second break in the story. On January 2, 1990, Major Eric Warren Buckland, a U.S. Army adviser, told the U.S. Military Group Commander that his counterpart, Colonel Carlos Armando Aviles Buitrago, had told him on or about December 20 that Colonel Benevides had informed the head of the SIU that the Atlacatl Battalion had killed the priests. The Military Group Commander took Major Buckland to see Salvadoran Chief of Staff Colonel Ponce without informing either Ambassador Walker (who was in Washington) or the Embassy chargé. Ponce summoned Colonel Aviles into the meeting, and Aviles immediately denied the story. The Salvadoran High Command and President Cristiani were briefed the next day. Despite the obvious impropriety of disclosing the identity of a key witness and acting without the authority of the Ambassador, this direct approach did spur additional action. On January 7, President Cristiani announced that the SIU had developed evidence that implicated military elements in the killings and had established a military Board of Honor to investigate. On January 13, he said that nine soldiers had been charged with participation in the crimes, and the investigation was largely taken over by Judge Ricardo Zamora. The Embassy, which continued to report developments in great detail, noted the case had spawned conspiracy theories and inevitable speculation about wider and higher level involvement. It affirmed that credible evidence of a coverup or a conspiracy with wider culpability would "be pursued vigorously" by the Embassy, but said "such evidence does not now exist." The Embassy felt that the evidence suggested Benevides acted alone. The blundering aspects of the murders with the obvious possibilities for leaks argued against a conspiracy directed by superiors. Meanwhile, the Embassy continued to urge the judge to follow up on all leads.

However, the case again slowed. By early April, the Embassy reported that the "initial enthusiasm and quality of investigation have not been present since the indictments." The lack of progress became more obvious as the weeks went on, as did the low level of cooperation between Judge Zamora and the SIU director Rivas. The Interim Report of Congressman Moakley's Task Force issued on April 30 noted that "the investigation and preparations for prosecuting the case have come to a virtual standstill." The Embassy pressed to speed the process. By July, Ambassador Walker cabled Washington that he was frustrated "by the attitude and actions of the armed forces vis-à-vis getting to the bottom of the Jesuit case." He suggested, and was authorized to make, a strong démarche.

On August 15, 1990, Congressman Moakley issued a statement based on information obtained in El Salvador that "the High

Command of the Salvadoran armed forces is engaged in a conspiracy to obstruct justice in the Jesuits' case." The effort was "to control the investigation and to limit the number and rank of the officers who will be held responsible for the crimes." The Embassy had reported the information obtained by the Congressional Task Force and discussed its import. It also undertook a review of all its documents pertinent to the case.

The Department instructed Ambassador Walker to make strong demarches to President Cristiani and Chief of Staff Ponce to demonstrate clearly that "the Administration cannot and will not condone ESAF [Salvadoran armed forces] foot-dragging on this investigation." It stated that the Administration was "not able in good conscience to move forward with respect to the USDOLS 19 million in FY 1990 military assistance that remains." Meanwhile, the High Command rejected Congressman Moakley's statement on obstruction as "irresponsible speculations." On September 7, Ponce, now Minister of Defense, said that he understood the seriousness of the cases and hoped progress could be made. The Ambassador recommended that the hold on U.S. military aid be continued. A small portion of the aid was released in late September, but the Ambassador emphasized to the Salvadorans that release of the balance depended on significant progress on the Jesuit case.

Major Buckland testified before Judge Zamora on September 28, relating how he had learned of the Benevides involvement in the murders. His various statements to the U.S. Government were provided to the judge on October 17, including a retracted statement that implied he had prior knowledge of plans for the killings. The next day Congressman Moakley criticized the Administration for failing to provide all of the Buckland testimony earlier. The Embassy continued to press the case at the highest levels of the Salvadoran government. On December 7, Judge Zamora announced his decision to take the case to trial, but progress again stalled and frustrations rose. A February 22, 1991, proposal by the Salvadoran High Command to reinterview the officers cited for involvement drew a mixed response as most people felt the military were continuing to stall. Limits on military aid disbursements remained in effect, and Congressman Moakley sought to turn up the heat again with a statement in April. He visited San Salvador again in July to increase the pressure and gave a strong speech that criticized the Salvadoran military for stalling.

The case went to trial September 26-28, 1991, with a secret jury. Only Col. Benevides and Lt. Mendoza were convicted of murder and sentenced to 30 years in prison. Others were given lighter sentences and set free, or -- for the lower-ranking soldiers -- found not guilty. The Department noted this was the first conviction of a high-ranking Salvadoran officer on a human rights charge. Other observers, including Congressman Moakley, felt the trial did not go far enough. He issued his

final statement on November 18 providing information he had received that claimed the involvement of General Ponce and other top leaders. This was also the conclusion of the Truth Commission.